

## SOUTH ASIA

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### AFGHANISTAN

Afghanistan<sup>1</sup> continued to experience civil war and political instability for the 21st consecutive year. There was no functioning central government. The Pashtun-dominated ultra-conservative Islamic movement known as the Taliban controlled approximately 90 percent of the country, including the capital of Kabul, and all of the largest urban areas, except Faizabad. A Taliban edict in 1997 renamed the country the Islamic Emirate of Afghanistan, with Taliban leader Mullah Omar as Head of State and Commander of the Faithful. There is a six-member ruling council in Kabul, but ultimate authority for Taliban rule rested in Mullah Omar, head of the inner Shura (Council), located in the southern city of Kandahar. Former President Burhanuddin Rabbani claimed to be the head of the Government, controlled most of the country's embassies abroad, and retained Afghanistan's United Nations seat after the U.N. General Assembly again deferred a decision on Afghanistan's credentials during the September General Assembly session. Rabbani and his military commander, Ahmed Shah Masood, both Tajiks, also maintained control of some largely ethnic Tajik territory in the country's northeast. Masood's forces were within rocket range of Taliban-held Kabul until late July 1999, but since then the Taliban has pushed them back, capturing large areas. In 1999 the Taliban summer offensive pushed Masood's forces out of the Shomali plain, north of Kabul. Towards the middle of June, the Taliban resumed its offensive, and captured the northeastern city of Taloqan. Commander Masood and commanders under the United Front for Afghanistan (UFA), also known as the Northern Alliance, continue to hold the Panjshir valley and Faizabad. The U.N. Secretary General's Personal Representative to Afghanistan Fransesc Vendrell engaged in extensive discussions with various Afghan parties and interested nations throughout the year, but there has been little visible progress in ending the conflict. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met several times during the year to explore ways to end the conflict. During the year, a process to convene a Loya Jirga, or Grand Assembly of traditional leaders, which was focused around former King Zahir Shah and based in Rome, slowly began to gather support. Other initiatives, such as the Bonn process and the Cyprus process, began to cooperate with the Rome-based initiative. A number of provincial administrations maintained limited functions, but civil institutions were rudimentary. There is no countrywide recognized constitution, rule of law, or independent judiciary. In 1999 the Taliban claimed that it was drafting a new constitution based on Islamic law, but during the year there were no further announcements regarding a constitution.

The Taliban remained the country's primary military force. Taliban and members of other warring Afghan factions committed numerous serious human rights abuses in areas they occupied.

Agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. For the second year in a row, the country was the largest opium producer in the world. The agriculture sector suffered a major setback due to the country's worst drought in 30 years. Experts estimate that the drought may affect more than half of the population, with 3-4 million severely affected. The drought has affected all areas of the country, causing an increase in internal displacement, loss of livestock, and loss of livelihood. The crop loss in some areas was estimated to be 50 percent. Approximately 80 percent of the livestock of the Kuchi nomads reportedly has perished, and the Argun reservoir which supplied water to 500,000 farmers and to Kandahar has run dry, as have 8 rivers in the region. In addition

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<sup>1</sup>\*The U.S. Embassy in Kabul has been closed for security reasons since January 1989. Information on the human rights situation is therefore limited. This report focuses on the over 90 percent of the country under Taliban control.

to the drought, the agricultural sector continues to languish because of a lack of resources and the prolonged civil war, which have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of millions of landmines and unexploded ordnance throughout the country has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. Trade was mainly in opium, fruits, minerals, and gems, as well as goods smuggled to Pakistan. There were rival currencies, both very inflated. Formal economic activity remained minimal in most of the country, especially rural areas, and was inhibited by recurrent fighting and by local commanders' roadblocks in non-Taliban controlled areas. The country also is dependent on international assistance. Per capita income, based on World Bank figures, is about \$280 per year. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas that are under firm Taliban control. Areas outside of Taliban control suffered from brigandage.

The overall human rights situation remained extremely poor, and the Taliban continued to commit numerous serious and systemic abuses. Citizens were unable to change their government or choose their leaders peacefully. The Taliban carried out summary justice in the areas they controlled, and reportedly were responsible for political and other extrajudicial killings, including targeted killings, summary executions, and deaths in custody. There were allegations that Taliban forces were responsible for disappearances. The Taliban imposed strict and oppressive order by means of stiff punishments for crimes in the areas that they controlled. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), enforced their ultra-conservative interpretation of Islamic law. The PVSV has carried out punishments such as stoning to death, flogging, public executions for adultery, murder, and homosexual activity, and amputations of limbs for theft. For lesser infractions, Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. Prison conditions were poor. The Taliban arbitrarily arrested and detained persons and infringed on citizens' privacy rights. The Taliban's military offensive and capture of Taloqan forced tens of thousands of civilians to flee their homes. Taliban forces were responsible for indiscriminate bombardment of civilian areas. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, and association. Freedom of religion is restricted severely and Taliban members vigorously enforced their interpretation of Islamic law. Freedom of movement is also limited. Years of conflict have left approximately 258,600 citizens internally displaced, while more than 2.8 million of the country's population of approximately 25.8 million live outside the country as refugees. Although the continued fighting has discouraged many refugees from returning to their country, 133,600 refugees voluntarily returned from Iran during the year under a U.N. High Commissioner for Refugees-Iran agreement on voluntary repatriation. An additional 50,000 are estimated to have returned outside the framework of this agreement. All factions have harassed domestic and international NGO's.

The human rights situation for women was extremely poor. Violence against women remained a problem throughout the country. Women and girls were subjected to rape, kidnaping, and forced marriage. Taliban restrictions against women and girls remained widespread, institutionally sanctioned, and systematic. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field and in some humanitarian assistance projects. Despite these formal restrictions, the treatment of women and girls in Taliban-controlled areas improved slightly for the second year in a row, mainly due to lack of enforcement. Although girls were prohibited formally from attending school, several organizations were able to run elementary schools and home schools with girls in attendance despite the formal prohibition. Nonetheless, there was widespread and widely accepted societal discrimination against women and girls throughout the country. The Taliban detained persons because of their ethnic origins. Worker rights were not defined. Child labor persists.

The human rights situation in areas outside of Taliban control also remained extremely poor, and Masood's forces and the Northern Alliance members committed numerous, serious abuses. Masood's forces continued sporadic rocket attacks against Kabul. Anti-Taliban forces bombarded civilians indiscriminately. Various factions infringed on citizens' privacy rights. Armed units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killings, abductions, kidnapings for ransom, torture, rape, arbitrary detention, and looting.

During the year, a degree of "enforcement fatigue" seems to have led to an informal easing of various restrictions. Reports suggest that activities such as nonformal education for girls and women working in self-employed sectors increasingly are tolerated if engaged in quietly. Many households in urban areas own television sets.

Significantly, the Taliban forces did not engage in the scorched earth policy of previous campaigns when they burned homes, killed livestock, uprooted orchards, and destroyed irrigation systems.

RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—The Taliban forces committed a large number of political and other extrajudicial killings, both within the country and in the refugee community in Pakistan during the year. In June Amnesty International (AI), reported that over the previous 2 years more than a dozen prominent citizens advocating an end to the war and establishment of a government representing all ethnic groups have been arrested and killed by the Taliban.

Much of the political and extrajudicial killing in Afghanistan during the year occurred during the renewed conflict between the Taliban and the Northern Alliance during the summer, which was characterized by sporadic indiscriminate shelling and bombing. On February 14, indiscriminate bombing by the Taliban in the Panjshir valley killed eight civilians. In mid-June, the Taliban began offensives in the Shomali and Kunduz areas, using aircraft to support ground troops. On July 1, the Taliban launched large-scale attacks near the towns of Baghram and Charikar, approximately 30 miles north of Kabul. Civilians continued to be the primary victims of the fighting. On July 1–2, the Taliban carried out air raids on the towns of Charikar and Jabal-as Saraf, reportedly claiming civilian lives. In mid-July, there were reports—denied by the Taliban—of summary executions of prisoners by the Taliban forces in the conflict areas. On July 23, Taliban aircraft bombed several towns and villages in northern Afghanistan, reportedly killing three and wounding seven civilians. On July 30, the Taliban used heavy artillery and aircraft to bomb the town of Nahreen before capturing it.

From August 9 through September 5, when the Taliban captured it, there was intense fighting around and in the town of Taloqan. During the offensive to capture Taloqan, Taliban aircraft bombed the city many times. No statistics are available on civilian casualties in Taloqan, but 60,000 to 75,000 persons left their homes in Taloqan and other areas in the northern part of the country to flee the fighting. AI reported in July that during the fighting in Taloqan the Taliban bombarded a village, burned all of the houses there, and killed some of the villagers. It was also reported that the Taliban cut the throat of one man in front of his relatives.

In previous years, the Taliban used swift summary trials and implemented strict punishments in accordance with Islamic law. Public executions, which sometimes took place before crowds of up to 30,000 persons at Kabul Stadium, are not known to have occurred during the year. Similarly, death by stoning for adultery, and by toppling walls on offenders for homosexual transgressions are not known to have occurred.

Political killings and harassment of moderate Afghan leaders and Afghan intellectuals residing in Pakistan continued during the year; many believed that these killings and harassment occurred at the direction of the Taliban. AI notes that over the last 2 years dozens of Afghans living in Pakistan have received death threats, and several of them have been killed. In 1999 a number of moderate activists relocated out of Pakistan to other countries, in part as a reaction to killings in Pakistan in 1998 and 1999. On June 1, a hooded gunman shot and wounded Mohammad Enam Wak, an Afghan author, at his home in Peshawar. By year's end, no action had been taken in the case. The shooting may have been in response to a book Wak just had published examining the idea of an Afghan federation on the basis of ethnic groups.

Many Taliban soldiers reportedly were killed and injured by landmines laid by the Northern Alliance as they advanced in the Shomali plains.

Opposition forces fired rockets into Kabul on a number of occasions. In many of these attacks, civilians were killed or injured.

In other areas, combatants sought to kill rival commanders and their sympathizers. The perpetrators of these killings and their motives often were difficult to identify, as political motives often are entwined with family and tribal feuds, battles over the drug trade, and personal vendettas. A long-running feud among Northern Alliance members led to a number of killings of prominent commanders, including Bahadur in November 1999 and Abdul Chesik in December 1999. On December 4, United Front Commander Abdullah Jan Wahidi reportedly was killed in an ambush.

On August 5, seven deminers working for the U.N.-funded Organization for Mine Clearance and Rehabilitation were ambushed, killed, and burned in Badghis Province; one of the deminers may have been alive at the time he was burned. It is not

clear who was responsible, but the group that waylaid the deminers was reportedly large, well-organized, and well-armed.

When the Taliban recaptured Bamiyan in 1999, there were reports that Taliban forces carried out summary executions upon entering the city. AI reported that hundreds of men, and in a few instances women and children, were separated from their families, taken away, and killed (see Sections 1.b. and 1.g.). There has been no investigation by the Taliban of these widely publicized allegations.

The Taliban also has taken no action and conducted no investigation into allegations by AI that dozens of noncombatants were systematically killed by Taliban forces when they captured most of the Shomali valley in late July 1999.

The Taliban has used excessive force against demonstrators. In December 1998, two students at Nangarhar medical college reportedly were killed by members of the Taliban when they fired upon a crowd of students who were protesting their dean's misappropriation of hostel funds. Taliban leader Mullah Omar ordered an investigation of the incident, but it is not known whether an investigation took place or what the results of any investigation may have been.

In 1998 the Taliban reportedly executed as many as 189 prisoners it captured during fighting near Mazar-i-Sharif in order to avoid exchanging them with the Northern Alliance. The Taliban denied these allegations; by year's end, there had been no investigation into these alleged killings.

In 1998 the U.N. found several mass graves connected with the massacre of Taliban soldiers near Mazar-i-Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these mass and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. The Taliban leadership has indicated in several of these cases that investigations were under way or that investigations would be permitted. However, according to neutral observers, no real progress was made by the Taliban in facilitating investigations; mass and other killings from 1997 and 1998 have not been investigated fully.

There has been no investigation into the 1998 killing of Lieutenant Colonel Carmine Calo, an Italian serving with the U.N. Special Mission.

*b. Disappearance.*—The strict security enforced by the Taliban in areas under its control has resulted in a decrease in abductions, kidnappings, and hostages taken for ransom. However, there have been allegations that the Taliban maintains private prisons to settle personal vendettas and that the Taliban was responsible for disappearances in areas under its control. AI reported that hundreds of persons were separated from their families in the Taloqan area during the Taliban summer offensive, and that these persons were taken away and believed to have been killed (see Section 1.a.). There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Taloqan area during fighting from June through October. There also were reports of the abduction of women by the Taliban in August 1999 when the Taliban retook the Shomali plains; women reportedly were taken in trucks from the area of fighting and were trafficked to Pakistan and to the Arab Gulf states. In 1998 there were credible reports that the Taliban detained hundreds of persons, mostly ethnic Hazaras, after the takeover of Mazar-i-Sharif; the whereabouts of many such persons remained unknown at year's end. There were unconfirmed reports that some Taliban soldiers abducted girls and women from Hazara neighborhoods in Mazar-i-Sharif in 1998; the whereabouts of some of these women also were unknown at year's end (see Section 5). Since 1998 persons who have disappeared include: General Abdul Rahman; General Farooq; Moulvi Shabuddin; Waliullah Dagarwal; General Syed Agha Rayees; Engineer Nabi Shah; and Wolaswal Ismail.

There have been credible reports of some instances where Taliban soldiers have arrested Hazara men to extract ransoms. Abductions, kidnappings, and hostage taking for ransom or for political reasons also occurred in non-Taliban areas, but specific information was lacking. In northern areas, women were at risk of being raped and kidnaped, according to the U.N. There have been unconfirmed reports that local commanders were kidnaping young women. Some of the women reportedly then were forced to marry their kidnapers. Others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have assimilated voluntarily into Afghan society, though some are alleged to be held against their will. A number of persons from the former Soviet Union missing since the period of the Soviet occupation are presumed dead.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Taliban is believed to have used torture against opponents and POW's. Torture does not appear to be a routine practice in all cases. The Taliban reportedly beats some persons detained for political reasons. The U.N. Special Rapporteur on Human Rights in Afghanistan met in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three stated that they were detained in a Kandahar prison on political grounds for 3 years prior to their escape on March 26. They were kept in windowless cells, shackled the entire time (see Section 1.d.). The General's colleagues reported that they were tortured by the prison authorities, and all three reported the torture of other prisoners; including being hung upside down by the legs while being beaten with cables.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems, based on its understanding of Islamic justice. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials. Murderers were subjected to public executions, a punishment that at times was inflicted by the victims' families. Thieves were subjected to public amputations of either one hand, one foot, or both. Adulterers were stoned to death or publicly given 100 lashes. On September 26, a man convicted of adultery was publicly stoned in Maymana in Fariab province. The woman with whom he was convicted of engaging in adultery was sentenced to 100 lashes, but the sentence was postponed because she was pregnant. A second woman, who was convicted of arranging this adultery, was sentenced to 39 lashes. The punishment for those found guilty of homosexual acts is to have walls toppled over them. Although there were no known instances of such punishment during the year, this punishment was carried out on at least one occasion in 1999, and seven times in 1998 (resulting in five deaths).

In the past, there have been credible reports that Taliban forces threatened and beat women for what they considered immodest dress. They threatened and beat men for immodest dress and for incorrect beard length. There were no such credible reports this year.

During the year, there were credible reports that the Taliban detained and tortured persons who they believed were being helpful to Western journalists. In July a Western journalist observed his Afghan associate being severely beaten. The associate was subsequently detained and beaten routinely until he was able to escape from prison (see Section 2.a.).

All Afghan factions are believed to have used torture against opponents and POW's, though specific information generally is lacking. Torture does not appear to be a routine practice in all cases. Some of Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. At least one of the alleged killers of Commander Abdullah Jan Wahidi (see Section 1.a.) reportedly was tortured prior to being executed.

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives, who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in overcrowded, unsanitary conditions in collective cells.

In the past, there have been credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operates prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini, and Maimana. The Northern Alliance maintains prisons in Panjshir and Faizabad. According to one credible report, prison authorities routinely used rubber and plastic bound cables in beatings in Badakhshan province. According to AI, there have been reports that the Taliban forced prisoners to work on the construction of a new story on the Kandahar prison and that some Taliban prisoners held by Masood were forced to labor in life-threatening conditions, such as digging trenches in mined areas.

There were reports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February 1999. Intensified fighting and poor security for foreign personnel limited the International Committee of the Red Cross' (ICRC) ability to monitor prison conditions, especially in and around Mazar-i-Sharif after that city fell to the Taliban. However, the ICRC's access improved toward the end of 1999. The ICRC visited 5,621 detainees, including 49 women and 414 minors in 51 different places of detention during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—In the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subject to arbitrary detention. There are credible reports

that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have a more formal judicial structure than others.

On July 9, the Taliban's PVSV jailed for several days a foreign aid worker, who had lived and worked in Afghanistan for over 30 years, and a number of her Afghan associates. The aid worker and her associates promoted home-based work for women and home schools for girls. She was expelled from the country shortly after her release on July 12. She returned to Kabul in late September after receiving a visa in Pakistan but within days was ordered to leave the country; she departed on October 6. No reason was given by the Taliban for her arrest and deportation.

On July 23, in Kabul, the Taliban arrested 40 members of a local group advocating a peaceful settlement of the conflict on charges of trying to destabilize the country. There were reports that another member of this group was arrested by Pakistani authorities in Peshawar, Pakistan.

AI reported that the Taliban has taken children hostage in an effort to compel their fathers to surrender; the fathers of such children generally are reported to be political opponents of the Taliban. The families of these children have been told that the children would be released when their fathers surrender to the Taliban.

A respected physician, Dr. Ayub, who headed the Shuhada Hospital in Jaghoray, was taken into custody during the Bamiyan military action in 1999 and remains in Taliban custody without charges.

The U.N. Special Rapporteur on Human Rights in Afghanistan met in July in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three said that they were detained in a Kandahar prison on political grounds for three years prior to their escape on March 26. They were kept in windowless cells and shackled for the entire time. The General's colleagues reported their own torture by the prison authorities, and all three reported the torture of other prisoners, including being hung upside down by the legs while being beaten with cables (see Section 1.c.).

A number of persons arrested by the Taliban in 1998 for political reasons were believed still to be in detention at year's end.

All factions probably hold political detainees, but no firm numbers are available. Both the Taliban and Masood hold thousands of POW's. Masood reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers, as POW's. In June the Taliban and the Northern Alliance sent delegations to inspect each other's prisoners in advance of an exchange of prisoners. Lists were reportedly prepared amid allegations that the Taliban had executed as many as 189 prisoners captured in 1998 during the fighting around Mazar-i-Sharif in order to avoid exchanging them (see Section 1.a.). The Taliban has denied this, and there has been no investigation. The prisoner exchange initiative ended as fighting resumed in June.

There was no information available on forced exile.

*e. Denial of Fair Public Trial.*—With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. There is no independent judiciary.

The Taliban has Islamic courts in areas under their control to judge criminal cases and resolve disputes. According to the U.N., the Taliban asserts that there is a lower court and a higher court in every province, and a Supreme Court in Kabul. In 1999 Mullah Omar promulgated a decree ordering the Supreme Court and military courts not to interfere with one another, according to press reports. The courts meted out punishments including execution and amputation and reportedly heard cases in sessions that lasted only a few minutes. The courts reportedly dealt with all complaints relying on the Taliban's extreme interpretation of Islamic law and punishments, as well as on traditional tribal customs (see Section 1.c.). In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution. Decisions of the courts were reportedly final. According to AI, some judges in these courts were untrained in law and at times based their judgments on a mixture of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas.

Defendants do not have the right to an attorney.

Little is known about the administration of justice in the areas controlled by the Northern Alliance. The administration and implementation of justice varied from area to area and depended on the whims of local commanders or other authorities, who summarily execute, torture, and mete out punishments without reference to any other authority.

All factions probably hold political prisoners, but no reliable estimates of numbers are available.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—Interactional fighting often resulted in the homes and businesses of civilians being invaded and looted by the opposing forces—whether victor or loser. Some armed gunmen reportedly acted with impunity given the absence of any legal protection or a responsive police force. It was unclear what authority controlled the actions of the Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers, persons masquerading as Taliban, or foreign sympathizers fighting alongside the Taliban, entered private homes without prior notification or informed consent. In Kabul the soldiers allegedly searched homes for evidence of cooperation with the former authorities or for violations of Taliban religion-based decrees, including the ban on the possession of depictions of living things (including photographs, stuffed animals, dolls, etc.). At various times, the Taliban also has banned certain traditional recreational activities, such as kite flying and playing chess (see Section 2.c.). Members of the PVSV, the Taliban's religious police, beat individuals on the streets for infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for the violation of the prohibition on women being in the company of men who were unrelated to them. The Taliban required women to wear a burqa, a tent-like outer garment that covers a woman from head to toe, when in public (see Section 5). Men are required to have beards of a certain length or longer, not to trim their beards, and to wear head coverings. Men whose beards did not conform to the guidelines on beard length set out by the Taliban were subject to imprisonment for 10 days and mandatory Islamic instruction. According to AI, the Taliban have taken children hostage in an effort to compel their fathers to surrender (see Section 1.d.). The Taliban reportedly also has required parents to give their children "Islamic" names.

In 1998 the Taliban prohibited television sets, satellite dishes, videocassette recorders, videocassettes, and audio cassettes as part of an effort to ban music, television, and movies (see Section 2.a.). The ban continues, although televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor (see Section 2.a.).

During the late summer offensive to retake Taloqan, the Taliban reportedly burned a village and killed several villagers (see Section 1.a.). On October 19, the Northern Alliance alleged that the Taliban forced the residents of Humber Koh and Hazrab villages near Taloqan to leave their homes before burning the dwellings. There were reports during 1999 and during the year that the Taliban forcibly expelled ethnic Hazara and Tajiks from areas controlled by the Taliban, and that the Taliban harassed these minorities (see Sections 2.c. and 5).

There were reports that some prisoners of the Taliban, including the sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. There were also reports that the Taliban forcibly conscripted or attempted to forcibly conscript persons in 1997 and 1998; some of these reports were unconfirmed.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—The Taliban continued to pose serious obstacles to the efforts of international aid organizations to deliver food aid and other humanitarian assistance. U.N.-led negotiations to obtain Taliban permission for delivery of food and nonfood aid across the front lines into the Panjshir Valley and the Dara-i-Suf area remained at an impasse at year's end. The Taliban permitted limited deliveries to Panjshir in December 1999 to reach the large community of displaced persons, which had fled the Shomali plains during the summer 1999 offensive. Limited supplies have reached Dara-i-Suf (where the U.N. has received reports of starvation), but only at great expense aboard donkey caravans. The French NGO Solidarite has sent similar donkey caravans into nearby Balkhab District.

The continuing internal conflict resulted in many instances of the use of excessive force. When fighting resumed in June, the Taliban bombed cities held by the Northern Alliance, such as Taloqan, Charikar, Nahreen, and Jabal-as Saraf. The Taliban's aerial bombing of civilian areas has resulting in the deaths of civilians, property damage, and the displacement of residents.

The conflict leading up to the fall of Taloqan in September displaced 60,000 to 75,000 people. Taloqan itself was evacuated, but families quickly returned once it became clear that the Taliban was not following the scorched earth policy it had pursued in previous years.

In May 1999, the Taliban recaptured Bamiyan. There were reports of systematic killings and summary executions by Taliban forces, as well as reports of hundreds of persons being taken away in Taliban trucks. Taliban forces reportedly also took hundreds of persons after the capture of Yakaolang the same month. In the late

summer of 1999, refugees from the Taliban offensive in the Shomali plain reported summary executions of noncombatants. The number of those killed or detained in fighting by the Taliban in 1999 is unknown. In August 1998, the Taliban captured Mazar-i-Sharif. There were reports that as many as 5,000 persons, mostly ethnic Hazara civilians, were massacred by the Taliban after the takeover of Mazar-i-Sharif. In September 1998, the Taliban captured Bamiyan; during the fighting an estimated 200 civilians were killed. There were also credible reports of a massacre of 45 civilians in a village near Bamiyan by Taliban commanders in September 1998. AI reported that the Taliban massacred 70 Hazara civilians, including children, in Qezelabad, near Mazar-i-Sharif in 1997. There were also reports that Taliban forces in Faryab province killed some 600 civilians in late 1997.

In general independent investigations of alleged killings were hindered by continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question (see Section 1.a.). The Taliban denied charges that its forces massacred or committed atrocities against civilians and claimed that civilian deaths, if any, resulted from combat.

Prior to its summer offensive, the Taliban claimed that the Northern Alliance bombed Shekhar Darra and Gol Darra, killing an unspecified number of civilians.

The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces (see Section 1.a.).

There were reports in 1999 that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Section 4). There were no reports of such behavior during the year, and, on the contrary, the Masood forces appeared welcoming to NGO's.

Continued warfare also resulted in massive forced displacement of civilians. Over the course of the year, it is estimated that up to 75,000 persons may have fled the fighting, although a majority of them reportedly have returned to their homes. An estimated 500,000–750,000 Afghans remain internally displaced following years of conflict. More than 2.4 million Afghans are living as refugees in Pakistan and Iran. A much larger number over the past 21 years has sought refuge abroad. Women and children constituted the majority of those in need of humanitarian assistance.

Afghanistan is the most heavily mined country in the world, according to U.N. mine-clearing experts. The U.N. estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, sown mainly during the Soviet occupation. However, some NGO's estimate that there may be less than 1 million mines. There have been claims that 162 of 356 districts are mine-affected. The most heavily mined areas are the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance cause deaths and injuries, restrict areas available for cultivation, and slow the return of refugees. At the end of 1999, according to the NGO Halo Trust, mines covered more than an estimated 420 square miles, including over 285 square miles of grazing land; over 100 square miles of agricultural land; almost 25 square miles of roads; 7.5 square miles of residential area; and over 2 square miles of irrigation systems and canals. From 1995–97, new mines are believed to have been laid over 90 square miles of land, reportedly mainly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly mined areas were reported but not confirmed during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these in response to the Taliban's summer offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade, and stockpiling of mines in 1998. Despite the general prohibition on the depiction of living things, the Taliban allowed the visual depiction of persons in demining educational materials.

An estimated 400,000 Afghans have been killed or wounded by landmines. Currently casualties caused by landmines and unexploded ordnance are estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households are affected by the presence of landmines. An estimated 96 percent of civilian mine and unexploded ordnance casualties are male. Approximately 53 percent of mine and unexploded ordnance casualties occur in the 18 to 40 age group, while 34 percent of the casualties involve children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. has organized and trained mine detection and clearance teams, which operate throughout the country. Nearly all areas that have been cleared are in productive use, and approximately 1.5 million refugees and internally displaced persons have returned to areas cleared of mines

and unexploded ordnance. Nevertheless the mines are expected to pose a threat for many years. In 1997 the 4,000 mine clearers suffered from an accident rate of 1 per week. However, clearance rates and safety have increased for clearance teams assisted by dogs. U.N. agencies and NGO's have instituted a number of mine awareness campaigns and educational programs for women and children in various parts of the country, but many were curtailed as a result of Taliban restrictions on women and girls.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—There are no laws that effectively provide for freedom of speech and of the press, and senior officials of various warring factions allegedly attempted to intimidate journalists and influence their reporting. There are fewer than 10 regular publications in the country. All other newspapers are published only sporadically. Newspapers for the most part are affiliated with different factions. Various factions maintain their own communications facilities. The Taliban selectively bans the entry of foreign newspapers into their territory. Many foreign books are prohibited. The Taliban radio station, the Voice of Shariat, broadcasts religious programming and Taliban pronouncements.

The Taliban has arrested more than 25 journalists since it took control of Kabul in September 1996. In July a Western journalist, while being detained, observed his Afghan associate being severely beaten. The journalist subsequently was expelled from the country, and his associate was detained and beaten routinely, until he escaped from prison (see Section 1.c.). On August 11, three foreign journalists were arrested by the PVSV and accused of taking pictures of a soccer match in Kabul. The journalists were interrogated for 2 hours, after which their film was confiscated. The PVSV officials confirmed that it is forbidden to take pictures of living things.

All factions have attempted to pressure foreign journalists who report on the conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul but later imposed restrictions upon them. Foreign journalists were forbidden to film or photograph persons or animals, were not allowed to interview women, and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. In 1998 foreign journalists were not permitted into Mazar-i-Sharif after the Taliban took the city and reportedly massacred as many as 5,000 persons (see Section 1.g.).

In August the Taliban introduced strict regulations governing the work of foreign journalists in the country. A list of 21 points "to be respected" is given to foreign journalists upon arrival. The list includes an item asking journalists "not to offend the people's feelings." Journalists are required to tell the Taliban authorities when they travel outside of Kabul and to stay out of prohibited areas outside of Kabul. Journalists may work only with approved interpreters and local assistants, must renew their work permits every year, and must register all of their professional equipment. The Taliban also require most journalists to stay at the Intercontinental Hotel in Kabul, allegedly for security and economic reasons.

In August 1998, Iranian journalist Mahmoud Saremi was killed after being abducted by Taliban soldiers in Mazar-i-Sharif, along with eight Iranian diplomats. Saremi was the Afghanistan bureau chief for the official Iranian news agency, IRNA. Taliban officials stated that those responsible for Saremi's killing were not acting under official orders and would be punished; however, no action was known to have been taken regarding the case by year's end.

There have been numerous threats to Afghan journalists working in exile in Pakistan; the UNHCR has assisted approximately 10 Afghan journalists in relocating to Western countries from Pakistan. Many believe these threats are directed by the Taliban authorities in response to unfavorable columns by the journalists. On July 4, Inayat-ul-Haq Yasinin, a journalist in Peshawar, received death threats for publishing the results of an opinion poll on Afghan refugees living in Peshawar. In 1998 in Peshawar, two men fired at Abdul Hafiz Hamis Afizi, an ethnic Tajik Afghan journalist writing for two Peshawar Afghan daily newspapers. Also in 1998, Mohammad Hashim Paktianai, a journalist related to former president Najibullah was killed at his home in Hayatabad.

The Taliban continue to prohibit music, movies, and television on religious grounds. In August 1998, television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, televisions reportedly are sold widely, and their use generally is ignored unless reported by a neighbor.

The Taliban severely restricts academic freedom, particularly education for girls (see Section 5).

*b. Freedom of Peaceful Assembly and Association.*—Civil war, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association.

It is unknown whether laws exist that govern the formation of associations. Many domestic NGO's continue to operate in the country, and many international NGO's also continue to operate (see Section 4). There were reports that the Taliban required NGO's to go through burdensome registration procedures in order to be allowed to operate and attempted to exert control over NGO staffing and office locations, especially in Kabul. All factions continue to harass and interfere with the operations of domestic and international NGO's, including aid organizations (see Section 4).

*c. Freedom of Religion.*—Freedom of religion is restricted severely. Due to the absence of a constitution and the ongoing civil war, religious freedom is determined primarily by the unofficial, unwritten, and evolving policies of the warring factions. In most parts of the country, the Pashtun-dominated, ultraconservative Islamic movement known as the Taliban vigorously enforced its extreme interpretation of Islamic law. The Taliban claimed in mid-1999 that it was drafting a new constitution, based upon the sources of Islamic religious law (Shari'a): the Koran, the Sunna, and Hanafi jurisprudence. A Taliban spokesman stated that the new constitution would ensure the rights of all Muslims and of religious minorities. However, custom and law require affiliation with some religion, and atheism is considered apostasy and is punishable by death. The small number of non-Muslim residents who remain in the country may practice their faith but may not proselytize.

The country's official name, according to the Taliban, is the Islamic Emirate of Afghanistan; according to the umbrella organization of various smaller, anti-Taliban groups, the Northern Alliance, it is the Islamic State of Afghanistan. These names reflect the desire of both factions to promote Islam as the state religion. Taliban leader Mullah Omar carries the title of Commander of the Faithful. Traditionally Sunni Islam of the Hanafi school of jurisprudence has been the dominant religion. The Taliban also adheres to the Hanafi school of Sunni Islam, making it the current dominant religion in the country.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems. The Taliban established Islamic courts in areas under its control to judge criminal cases and resolve disputes. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials (see Section 1.e.).

The Taliban seeks to impose its extreme interpretation of Islamic observance in areas that it controlled and has declared that all Muslims in areas under Taliban control must abide by the Taliban's interpretation of Islamic law. The Taliban announces its proclamations and edicts through broadcasts on the Taliban's "Radio Shariat" and relies on a religious police force under the control of the PVSV to enforce rules regarding appearance, dress, employment, access to medical care, behavior, religious practice, and freedom of expression. Members of the PVSV, which was raised to the status of a Ministry in May 1998, regularly check persons on the street in order to ascertain that individuals are conforming to such Taliban edicts. Persons found to be in violation of the edicts are subject to punishment meted out on the spot, which may include beatings and detention. In practice the rigid policies adopted both by the Taliban and by certain opposition groups have a chilling effect on adherents of other forms of Islam and on those who practice other faiths. Enforcement of Taliban social strictures is much stricter in the cities, especially in Kabul, and looser in rural areas, where more is left to local custom.

Reliable data on the country's population is not available. However, informed sources estimate that 85 percent of the population are Sunni Muslim; most of the remaining 15 percent are Shi'a. The Hazara ethnic group is predominantly Shi'a; Shi'a are among the most economically disadvantaged persons in the country. The Shi'a minority want a national government that would give them equal rights as citizens. There are also small numbers of Ismailis living in the central and northern parts of the country. Ismailis are Shi'a but consider the Aga Khan their spiritual leader. In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country, but most members of these communities have left. Almost all members of the country's small Hindu and Sikh population, which once numbered about 50,000 persons, have emigrated or taken refuge abroad.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country.

According to Human Rights Watch, in September 1999, the Taliban issued decrees that forbade non-Muslims from building places of worship but allowed them to worship at existing holy sites, forbade non-Muslims from criticizing Muslims, ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops, for-

bade non-Muslims from living in the same residence as Muslims, and required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance. These decrees followed earlier reports that Hindus were required to wear a piece of yellow cloth attached to their clothing to identify their religious identity and that Sikhs were required to wear some form of identification as well. This system of identification allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by agents of the PVSV, but the identification system reportedly no longer is enforced.

There also are unconfirmed reports that the Taliban has occupied and "cleaned" Shi'a mosques for the use of Sunnis, including a Shi'a mosque in Mazar-i-Sharif in 1998. The sections of the country's educational system that have survived over 20 years of war put considerable emphasis on religion.

In Taliban controlled areas, the Taliban has decreed that all Muslims must take part in five daily prayers. Those who are observed not praying at appointed times or who are late attending prayer are subject to punishment, including severe beatings. There were reports in 1998 that PVSV members in Kabul stopped persons on the street and quizzed them to determine if they knew how to recite various Koranic prayers.

Publishing and distribution of literature of any kind, including religious material, is rare.

Proselytizing by non-Muslims is prohibited. A small number of foreign Christian groups are present in the country, but they focus on relief work since they are forbidden to proselytize. Conversion from Islam is considered apostasy and is punishable by death. There was no information available about converts or about restrictions on the training of clergy.

Since taking control of Kabul in 1996, the Taliban reportedly has committed numerous human rights violations, particularly against the Hazaras. In September 1997, the Taliban reportedly massacred 70 ethnic Hazara civilians in Qezelabad. There were reports of mass arrests by the Taliban in Hazara neighborhoods of Kabul in January 1998. There also were credible reports of the massacre of thousands of civilians and prisoners by the Taliban during and after the capture of Mazar-i-Sharif in August 1998; this massacre reportedly was aimed at ethnic Hazaras. In September 1998, approximately 500 persons were killed as the Taliban gained control of the city of Bamiyan. The Hazaras regained control of Bamiyan in April 1999 following prolonged guerrilla-style warfare; however, the Taliban recaptured Bamiyan in May 1999 and reportedly killed a number of Shi'a residents. There were reports during 1999 and 2000 that there were forced expulsions of ethnic Hazaras and Tajiks from areas controlled or conquered by the Taliban, as well as harassment of these minorities throughout Taliban controlled areas.

The Ismaili community fought for the Northern Alliance against the Taliban and suffered when the Taliban occupied territories once held by Ismaili forces. There were reports of mistreatment of Ismailis at the hands of the Taliban.

The Taliban, following its extreme interpretation of Shari'a (Islamic law), required women to don a head-to-toe garment known as the burqa, which has only a mesh screen for vision, when in public. While in some rural areas this was the normal garment for women, the requirement to wear the burqa represented a significant change in practice when imposed in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely, along with their family elders. In Kabul and elsewhere, women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, were beaten by Taliban militiamen. According to Taliban regulations, men's beards must protrude farther than would a fist clamped at the base of the chin. Men also must wear head coverings and must not have long hair. A man who has shaved or cut his beard may be imprisoned for 10 days and be required to undergo Islamic instruction. Several civil service employees reportedly were fired in 1997 for cutting their beards. All students at Kabul University reportedly are required to have beards in order to study there (no female students are allowed). There also are credible reports that Taliban members gave forced haircuts to males in Kabul. At various times, the Taliban has banned certain traditional recreational activities, such as kite flying and playing chess. Dolls, stuffed animals, and photographs are prohibited under the Taliban's interpretation of religious injunctions against representations of living beings; in search of these objects, Taliban soldiers or persons masquerading as Taliban members reportedly have entered private homes without prior notification or informed consent. The Taliban reportedly has required parents to give their children Islamic names (see Section 1.f.).

The Taliban continues to prohibit music, movies, and television on religious grounds in Taliban-controlled areas. In 1998 television sets, videocassette recorders,

videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, subsequent reports indicate that many persons in urban areas around the country own such electronic devices despite the ban (see Section 1.f. and 2.a.).

In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their takeover of that city earlier in the year. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers and that the statues were being protected by the Taliban from further harm. While some Taliban leaders have claimed tolerance of religious minorities, there reportedly have been restrictions imposed upon Shi'a Muslims in Taliban-controlled territory, although not necessarily on a uniform basis. However, the Taliban allegedly has ordered Shi'a to confine their Ashura commemorations during the month of Muharram to their mosques and to avoid the public processions that are an integral part of Ashura in other countries with Shi'a populations.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service, complicated by factional threats to air traffic. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes, while others reported no such difficulty. The Taliban's restrictions on women further curtail freedom of movement (see Sections 2.c. and 5). Despite these obstacles, many persons continued to travel relatively freely, with buses plying routes in most parts of the country. However, due to intermittent fighting in various areas, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered severely. International travel continued to be difficult as both the Taliban and Masood threatened to shoot down any planes that flew without their permission over areas of the country that they controlled.

Commercial trade was impeded in certain non-Taliban areas, as local commanders and criminals continued to demonstrate their control over the roads by demanding road tolls and sometimes closing roads. There were reports in 1998 that some Taliban commanders, who previously gained popularity by sweeping away the checkpoints that local warlords used to shake down travelers, were setting up checkpoints themselves and demanding tolls for passage, but there were no such reports during the year.

There also have been instances in the past of the forcible expulsion of individuals on ethnic grounds, but there were no known instances of this during the year.

Afghans continued to form one of the world's largest refugee populations. According to the U.N. High Commissioner for Refugees, approximately 2.8 million Afghans remain outside the country as registered refugees: 1.4 million in Iran, 1.4 million in Pakistan, and some in Russia, India, and the central Asian republics. Women and children constitute 75 percent of the refugee population. In addition there are 500,000 to 750,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to the country in the peak year of 1992. During the year, 133,600 refugees were voluntarily repatriated from Iran under an UNHCR-Iran program, and another 50,000 are estimated to have returned outside the program. Refugees in Pakistan are known to cross the border back and forth routinely.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

On June 21, Pakistan deported Professor Mohammad Rahim Elham, a prominent Afghan scholar, back to Afghanistan. Professor Rahim had called for a stop to Pakistani interference in the internal affairs of Afghanistan. There is concern that he may face detention, torture, or extrajudicial execution in Afghanistan. According to an AI report, Professor Rahim was granted asylum in another country late in the year.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or choosing their leaders peacefully. Most political changes came about through shifting military fortunes. No faction held elections or respected citizens' right to change their government peacefully.

The Taliban movement's authority emanates from its leader, Mullah Omar, who carries the title Commander of the Faithful, and from the Taliban's military occupa-

tion of most of the country. Governmental functions are exercised through the key Taliban governing body, the Inner Shura (Council) based in Kandahar, and by ministries based in Kabul.

The Northern Alliance, headed by nominal President Rabbani, holds power with de facto Defense Minister Masood as Rabbani's primary military backer. Rabbani received nominal support from General Dostam and a faction of the Shi'a Hazara Hezb-i-Wahdat. Another faction of the Hezb-i-Wahdat nominally allied with the Taliban early in 1999. Rabbani and Masood control the northeastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul.

Discontent with the Taliban's strictures and rural village values was strong in large, non-Pashtun cities such as Herat, Kabul, and other northern cities. The Taliban's military successes did not encourage the group's leaders to engage in meaningful political dialog with opponents. Efforts in 1998 to convene a national body of Muslim scholars (ulema) to discuss the future of the country broke down when both the Taliban and the Northern Alliance disagreed over the possible membership and sequence of the talks. Peace talks convened in April 1998 in Ashgabat, Turkmenistan, but broke down quickly. Moderate and neutral Afghans, mostly living outside of the country, continue their efforts to organize a traditional Grand National Assembly (Loya Jirga) and held meetings in Rome in July and November 1999. The former King supports this process. Other moderate groups exist in Bonn, Cyprus, and Teheran.

The U.N. and the international community continued their efforts to help Afghans reach a political settlement. The U.N. Secretary General's Personal Representative for Afghanistan Fransesc Vendrell has continued to explore ideas for a peace process with the warring factions. A group of six nations bordering the country, the U.S., and Russia met several times during the year to explore ways to resolve the conflict peacefully.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are many NGO's, both domestic and international, in the country. Some are based in neighboring countries, mostly Pakistan, with branches inside the country; others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

The Afghan League of Human Rights operates both in Afghanistan and Pakistan; it produces an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operates in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation. It also monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. The National Commission on Human Rights in Afghanistan began operations during 1998 in Pakistan, conducting seminars on human rights issues, issuing press statements criticizing specific instances of human rights abuses, and placing articles in Pashtu and Dari newspapers. The Afghanistan Commission for Human Rights, founded in 1997 after discussions with Taliban authorities on Islamic aspects of human rights, also started activities in Pakistan in 1998, focused on the plight of Afghan prisoners in Pakistani prisons and on children's rights. However, the civil war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside the country.

On July 6, the Taliban issued an edict banning women's employment (except in the health care sector) by U.N. agencies and NGO's. Implementation remains erratic, but the U.N. and NGO's kept their female staff at home to avoid open confrontation with the Taliban. On August 16, the Taliban issued an order closing down the World Food Program's (WFP) 25 widows' bakeries, which provide food to the neediest citizens, including many war widows and other female-headed households. On August 17, the Taliban reversed the previous day's decision to close the widows' bakeries, apparently accepting the WFP's explanation that the female staff of the bakeries were not direct hire WFP employees and therefore not subject to the July 6 edict. The arrest in July of a foreign aid worker long resident in the country (see Section 1.d.) and the sudden closure of the widows' bakeries, served as reminders to the international relief community that their programs are at constant risk of closure by the Taliban.

In September the Taliban refused a visa to the U.N. Special Rapporteur on Human Rights in Afghanistan.

During the year, the Taliban continued to pose serious obstacles to the international aid community's efforts to deliver food aid and other humanitarian assistance to citizens (see Section 1.g.).

The Taliban continued to harass domestic and international NGO's. The Taliban has interfered consistently with the operation of the U.N. and NGO's. Tactics used have included threatening to impound the vehicles of NGO's that do not work on projects preferred by the Taliban, threatening to close projects that do not include Taliban supervisors or workers, and, in the case of one local NGO, the detention of its director and the impounding of all of its equipment in an effort to increase Taliban control of the organization. The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a move that continued to hamper NGO and relief operations. The U.N. withdrew its personnel from southern Afghanistan in late March 1998 to protest the assault on a U.N. worker by the Taliban governor of Kandahar Province and the interference with its work by the Taliban. After reaching agreements with local officials, the U.N. returned to Kandahar in May 1999. In April 1998, Taliban authorities rejected the participation of a U.N. official on the U.N. team selected to negotiate with the Taliban on the travel restrictions for foreign Muslim women and other issues, because he was perceived to be "anti-Taliban." In June 1998, the Taliban required all NGO's in Kabul to relocate to a single location in a bomb-damaged former school; those who refused were threatened with expulsion from the country. However, the order was not enforced. In November 1998, the U.N. World Food Program accused the Taliban of looting 1,364 tons of food, stealing trucks from the WFP's compound in Bamiyan, and occupying WFP offices in Bamiyan and Yakaolang.

On June 15, 1999, staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan Province. After the June 1999 incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November 1999 U.N. properties were targeted in organized demonstrations in several cities when U.N. sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remain largely unresolved.

There were reports in 1999 that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid. There were no such reports during the year (see Section 1.g.).

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

There is no functioning constitution, and therefore there are no constitutional provisions that prohibit or protect against discrimination based on race, sex, religion, disability, language, or social status. It is not known whether specific laws prohibit discrimination; local custom and practices generally prevail. Discrimination against women is prevalent throughout the country. Its severity varies from area to area, depending on the local leadership's attitude towards education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There has been greater acceptance of the disabled as the number of persons maimed by landmines increased, and the presence of the disabled became more widespread. In 1998 and 1999, the Taliban on several occasions sought to execute homosexuals by toppling walls on them (see Sections 1.a. and 1.c.); however, this is not known to have occurred during the year.

*Women.*—As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds the problem. Although the stability brought by the Taliban to most of the country acted in general to reduce violence against women, particularly rapes and kidnappings, Taliban members continued to threaten or beat women to enforce the Taliban's dress code for women. There were unconfirmed reports that the Taliban or foreign "volunteers" fighting alongside the Taliban abducted women during the military offensive on Taloqan. There were also unconfirmed reports that Taliban soldiers or foreign volunteers abducted women in the offensive in the Shomali plains in 1999 and that they raped and abducted women from Hazara neighborhoods in Mazar-i-Sharif in August 1998. The whereabouts of some of these women were unknown at year's end. The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape. In a climate of secrecy and impunity, it is likely that domestic violence against women remained a serious problem.

Women accused of adultery also are subjected to violence. Adultery is punishable by death through stoning. At least one accused adulteress was sentenced to 100 lashes during the year; a female accomplice was sentenced to 30 lashes.

Overall, the situation of women and girls remained mostly unchanged, as the Taliban generally continued the application of its ultra-conservative interpretation of Islamic law.

In 1992 a new government was installed and the previous trend towards increasing numbers of women working outside of the home was reversed. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified.

The treatment of women under Taliban rule has been particularly harsh, although there was marginal improvement in some areas during the year. In the areas where it took control, the Taliban initially excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative. In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to quit their jobs as professionals and clerical workers, including teachers, doctors, nurses, bank tellers, and aid workers. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. The prohibition on women working outside of the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. In August the Taliban issued an order closing down the World Food Program's 25 widows' bakeries but reversed the decision on the following day (see Section 4). Many women reportedly have been reduced to selling all of their possessions and to begging to feed their families.

However, during 1999, restrictions on women's employment reportedly eased somewhat. The Taliban allowed women to work in the medical sector as doctors and nurses, treating only other women. *Medicins Sans Frontieres* and other international NGO's reported that they were able to recruit both male and female health care staff without administrative obstacles and that the main difficulty faced in recruitment of medical staff was the lack of qualified female personnel. In 1999 there were reports that the Taliban reopened schools for doctors and nurses and that women were allowed to attend women-only institutions. A limited number of women were allowed to work for international agencies and NGO's, but they were not allowed to work in the offices of their employers; they were required to go directly from their homes to the project sites on which they worked. A Taliban edict issued in 1999 allowed needy widows with no other means of support to seek employment; but many widows reportedly were unaware of the change, and there was little work available. Women reportedly were allowed to claim international assistance directly rather than through their close male relatives, as a 1997 edict stipulated. However, male relatives still were required to obtain the permission of the PVSV for female home-based employment.

Girls formally were prohibited from attending school. Formal restrictions against the education of girls remain, apart from instruction provided in mosques, which is mainly religious in content. However, there are a growing number of girls educated by international NGO's in formal schools, community-based schools, and home schools.

Most citizens lack any access to adequate medical facilities, and the provision of health care under Taliban rule remains poor. Life expectancy rates are estimated at 44 years for women and 43 years for men. In most regions, there is less than 1 physician per 10,000 persons. Health services reach only 29 percent of the population and only 17 percent of the rural population. Clean water reaches only about 12 percent of the population. Health care for both men and women was hampered by the Taliban's ban on images of humans, which caused the destruction of public education posters and made the provision and dissemination of health information in a society with high levels of illiteracy more difficult. Tuberculosis rates for women and maternal mortality rates are extremely high. The Taliban significantly reduced women's access to health care, although it has since loosened restrictions somewhat. In 1997 the Taliban announced a policy of segregating men and women in hospitals; this policy reportedly continued at year's end. In 1997 in an attempt to centralize medical care for women, the Taliban also directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction, which resulted in a drastic reduction in access to, and the quality of, health care for women. Later, women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics; since June 1998 they have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice women were excluded from treatment by male physicians in most hospitals.

These rules, while not enforced universally, made obtaining treatment extremely difficult for most women, and especially for Kabul's widows, many of whom have lost all such male family members. Further, even when a woman was allowed to be treated by a male doctor, he was prohibited from examining her except if she were fully clothed in Taliban-approved garb and from touching her, thus limiting the possibility of any meaningful treatment. The participants in a 1998 survey of 160 Afghan women reported little or no access to health care in Kabul. Most of the participants also reported a decline in their mental health. However, there were credible reports that the restrictions on women's health care were not applied in practice and that there were some improvements in access to health care for women during the last 2 years. By the end of 1999, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, but there was only one maternity hospital in the country.

The Taliban decreed what women could wear in public. Women in public spaces were required to wear a burqa, a loose, head-to-toe garment that has a small cloth screen for vision. While in many, particularly rural, areas of the country, the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many women, particularly in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, reportedly have been beaten by Taliban militiamen. Some women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one.

During 1999 there were reports of differences in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women apparently is not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms, and legs. Women in their homes must not be visible from the street; the Taliban require that homes with female occupants have their windows painted over.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative ran the risk of beatings by the Taliban. Some observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. On October 19, taxi drivers were warned by the PVSV not to pick up unaccompanied female passengers or risk a ban on their driving privileges. Women only may ride on buses designated as women's buses; there are reportedly not enough such buses to meet the demand, and the wait for women's buses can be long. In December 1998, the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers and that neither the drivers nor the fare collectors were to mingle with the passengers.

AI has reported that the Taliban have ordered the closure of women's public baths.

Women are also forbidden to enter mosques or other places of worship unless the mosque has separate sections for men and women. Most women pray at home alone or with other family members. Women also reportedly have been prohibited from appearing on the streets for certain periods during the month of Ramadan.

The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the PVSV. The U.N. and numerous other interlocutors noted that the edicts are enforced with varying degrees of rigor throughout the country. The restrictions were enforced most strictly in urban areas, where women had enjoyed wider access to educational and employment opportunities before the Taliban gained control.

After her 1999 visit, the U.N. Special Rapporteur on Violence Against Women noted some improvements in the status of women, including the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul; increased access of women to health care; and the permission for widows to work. The Special Rapporteur also noted continuing violations of the physical security of women and the practice of lashings and public beatings,

violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights, including the existence of polygyny and forced marriage. She also noted that minority women sometimes were subject to forced displacement and that there were some cases of trafficking in women and children (see Section 6.f.).

*Children.*—Local administrative bodies and international assistance organizations undertook to ensure children's welfare to the extent possible; however, the situation of children is very poor. Infant mortality is 250 out of 1,000 births; Medicins Sans Frontieres reports that 250,000 children per year die of malnutrition. One fourth of children die before the age of 5. Approximately 45 percent of the population is made up of children age 14 or under. The Taliban's restrictions on male-female medical treatment have had a detrimental effect on children. Physicians for Human Rights reported that children sometimes are denied medical care when the authorities do not let male doctors visit children's wards, which may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers. A UNICEF study also reported that the majority of children are highly traumatized and expect to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

Taliban restrictions on the movement of women and girls in areas that they controlled hampered the ability of U.N. agencies and NGO's to implement effectively health and education programs targeted to both boys and girls.

The educational sector currently is characterized by limited human and financial resources; the absence of a national educational policy and curriculum; the unpreparedness of the authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education, according to a report by the Gender Advisor to the U.N. System in Afghanistan. Female literacy is approximately 4 percent, compared with an overall literacy rate of 30 percent. There have been reports that the ban on women working outside of the home has hampered the education of boys, since a large percentage of the country's teachers were women prior the advent of Taliban rule.

The Taliban have eliminated most of the formal opportunities for girls' education that existed in areas that they have taken over; however, some girls' schools still operate in rural areas and some towns. Some girls also are receiving an education in informal home schools, which are tolerated to varying degrees by the Taliban around the country. During the year, there were reports that the number of children that these home schools reach was increasing and that there was an increase in the attendance of girls in various educational settings, including formal schools. However, in June 1998, more than 100 NGO-funded girls' schools and home-based women's vocational projects were closed by the Taliban in Kabul. In 1998 the Taliban also stated that schools would not be allowed to teach girls over the age of 8, that schools teaching girls would be required to be licensed, and that such schools would be required to limit their curriculums to the Koran. However, the Taliban's implementation of educational policy is inconsistent and varies from region to region, as well as over time.

In September 1999, the U.N. Special Rapporteur on Violence Against Women noted the existence of home schools and also of limited primary educational institutions for girls run by the Religious Ministry in Kabul. The Taliban told the Special Rapporteur in 1999 that primary education is available to girls between the ages of 6 and 10 and that this was dispensed in mosque schools under the Ministry of Religious Affairs. About three-fourths of the curricula in the Ministry of Religious Affairs schools reportedly deals with religious and moral subjects. Taliban-sponsored public schools, at both the elementary and secondary levels, provide education only to boys and also emphasize religious studies. However, schools run by NGO's and international donors mostly are open to both boys and girls.

Despite the limitations on education and the Taliban's restrictions on female education, approximately 25 to 30 percent of boys were estimated to be enrolled in school and up to 10 percent of girls were estimated to attend school, whether NGO-run, mosque schools, or home schools, according to UNICEF. This represents a modest increase in both boys' and girls' school enrollment over the last 5 years. Prior to the Taliban takeover in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten to 12, according to a U.N. survey. During 1999 approximately 300,000 to 350,000 school-age children attended schools run or funded by various assistance agencies and NGO's. In 1999 the Swedish Committee for Afghanistan (SCA) reported that it served 175,000 students in 567 schools; most of these were formal schools, but 39 were home schools. In a few areas, over 50 percent of students reportedly were girls. The SCA reported that 20 percent of the students in its formal schools, mostly located in rural areas, were girls. Many boys also

were being educated in home schools, because of administrative problems in the Taliban-run schools, including problems in the payment of teachers' salaries. A high proportion of the students in Northern Alliance-controlled territory reportedly were girls. In 1999 in areas newly captured by the Taliban, some communities successfully petitioned Taliban representatives to reopen the schools. In Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Nonetheless, approximately 5 percent of girls were enrolled in school in Kandahar; approximately 20 percent of girls were enrolled in Herat. Some families have sent girls abroad for education in order to evade the Taliban's prohibitions on females attending school.

There have been unconfirmed reports that the Taliban uses child soldiers. In the past, there have been some cases of trafficking in children (see Section 6.f.).

The Taliban have banned certain recreational activities, such as kite flying and playing chess. In October the Taliban banned youths from playing soccer in Kabul on Fridays. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings.

*People with Disabilities.*—There are no measures to protect the rights of the mentally and physically disabled or to mandate accessibility for them. Victims of landmines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. It is believed that there was more public acceptance of the disabled because of the increasing prevalence of the disabled due to landmines or other war-related injuries. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the burqa over the prosthesis or other aid.

*National/Racial/Ethnic Minorities.*—During the year, there were reports of harassment, extortion, and forced expulsion from their homes of ethnic Hazaras and Tajiks by Taliban soldiers. The Taliban is Pashtun-dominated and has show little tolerance for accommodation with ethnic minorities.

It is estimated that the Taliban may have killed thousands of members of the ethnic Hazara minority in 1998 (see Section 1.a.).

In the past, there were reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. Ethnic Hazara, who are overwhelmingly Shi'a, reportedly have been targeted for ethnically-motivated attacks, in particular by the overwhelmingly Sunni and ethnic Pashtun Taliban forces.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Little is known about labor laws and practices. There were no reports of labor rallies or strikes. Labor rights are not defined, and in the context of the breakdown of governmental authority there is no effective central authority to enforce them. Many of Kabul's industrial workers are unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. An insignificant fraction of the work force ever has labored in an industrial setting. The only large employers in Kabul are the governmental structure of minimally functioning ministries and local and international NGO's.

Workers in government ministries reportedly have been fired because they received part of their education abroad or because of contacts with the previous regimes, although certain officials in previous administrations still are employed under the Taliban. Others reportedly have been fired for violating Taliban regulations concerning beard length.

*b. The Right to Organize and Bargain Collectively.*—The country lacks a tradition of genuine labor-management bargaining. There are no known labor courts or other mechanisms for resolving labor disputes. Wages are determined by market forces, or, in the case of government workers, dictate.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Little information is available on forced or compulsory labor, including child labor. There have been reports that the Taliban has forced prisoners to do construction work at Kandahar prison and that the Taliban used forced labor after its takeover of the Shomali plains area in the summer of 1999. There have been credible reports that Masood forced Taliban prisoners to work on road and airstrip construction projects under life-threatening conditions (such as requiring them to dig in mined areas). There were some cases of trafficking in women and children (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—There is no evidence that authorities in any part of the country enforce labor laws, if they exist, relating to the employment of children. Children from the age of 6 often work to help support their families by herding animals in rural areas and by collecting

paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices expose children to the danger of landmines.

*e. Acceptable Conditions of Work.*—There is no available information regarding a statutory minimum wage or the enforcement of safe labor practices. Many workers apparently are allotted time off regularly for prayers and observance of religious holidays. Most work in the informal sector.

*f. Trafficking in Persons.*—There is no available information regarding legislation prohibiting trafficking in persons. The U.N. Special Rapporteur on Violence against Women reported that there were some cases of trafficking in women and children (see Section 5). There were reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August 1999. Women taken in trucks from the area of fighting in the Shomali plains reportedly were trafficked to Pakistan and to the Arab Gulf states.

## BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Prime Minister Sheikh Hasina is the leader of the Awami League, which came to power in 1996 in national elections deemed to be free and fair by international observers. There is an active political opposition. Violence is a pervasive feature of politics, including political campaigns, and elections frequently are marred by violence, intimidation of voters, and rigging. The major opposition political parties have abstained from Parliament since July 1999, diminishing Parliament's effectiveness. The opposition parties accuse the Awami League Government of abusing its parliamentary majority to prevent real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions.

The Home Affairs Ministry controls the police and paramilitary forces, which bear primary responsibility for maintaining internal security. The Government frequently uses the police for political purposes. There is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses.

Bangladesh is a very poor country. Annual per capita income among the population of about 130 million is approximately \$350. Slightly more than half of all children are chronically malnourished. Seventy percent of the work force is involved in agriculture, which accounts for one-fourth of the gross domestic product. The economy is market-based, but the Government still plays a significant role. The industrial sector is growing, albeit slowly, based largely on the manufacture of garments and textiles by privately owned companies. A small, wealthy elite controls much of the private economy, but there is an emerging middle class. Foreign investment has increased significantly in the gas sector and in electrical power generation facilities. Foreign aid still is significant, but has diminished somewhat in relative importance vis-a-vis increased earnings from exports and remittances from workers overseas. Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak. Periodic natural disasters, including a severe flood in 1998, also hamper development; nevertheless, the economic growth rate during the last fiscal year was about 5.5 percent.

The Government generally respected the human rights of its citizens in some areas; however, its record remained poor in many other significant areas, and it continued to commit serious abuses. Police committed a number of extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators. The Government rarely convicts and punishes those persons responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody has been a problem; however, there were no reports of this during the year. The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges. The Government encourages violence by urging retaliation against opposition members who attack government supporters. The Government filed numerous criminal cases against opposition leaders and activists; in at least some of these

cases, the charges likely were false. The newly-enacted Public Safety Act (PSA) gives the police even greater opportunity to abuse their powers. Much of the judiciary is subject to executive influence and suffers from corruption. A large case backlog slowed the judicial process, and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated slum dwellers. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Discrimination against the disabled, indigenous people, and religious minorities was a problem. There was occasional violence against members of the Ahmadiya religious minority. The Government continued to limit worker rights, especially in the Export Processing Zones (EPZ's), and, in general, is ineffective in enforcing workers' rights. Some domestic servants, including many children, work in conditions that resemble servitude and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. However, a 1995 agreement between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, and the International Labor Organization (ILO) that has eliminated about 95 percent of child labor in the export garment sector, the main export industry, was extended in June. Trafficking in women and children for the purpose of forced prostitution and at times for forced labor remained serious problems. Both ruling and opposition political parties and their activists often employed violence, causing deaths and numerous injuries; however, the number of deaths has declined, likely due to fewer general strikes during the year. Vigilante justice resulted in numerous killings, according to press reports.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killings.*—Police committed a number of extrajudicial killings.

Security forces sometimes used unwarranted lethal force. On February 9, police officers shot and killed Mohammad Ahmed Hossain Sumon, while trying to arrest him. Police officers also shot and wounded Sumon's brother and 12-year-old niece. Family members began to drive the victims to the hospital in a van, at which time the police again shot at them, breaking the van's windshield. No action was taken against the policemen involved in the killing. On May 3, police officers shot and killed two workers in the Savar EPZ, as police stormed a factory that disgruntled workers had taken over; another two persons later died from stab wounds sustained during the seizure (see Sections 1.c. and 6.b.). On September 18, police officers brandished weapons at persons attempting to rescue Mahbub Hasan Khan Oli, who was drowning in a Dhaka pond into which he had jumped to evade police capture. Oli drowned. In March 1999, police officers in Dhaka drowned college student Mujibur Rahman, and in July 1999, three policemen in Dhaka allegedly severely beat Mohammed Shahjada Tuku, then threw him into a canal where he drowned; as of year's end, none of the officers involved had been held accountable.

According to government figures, 134 persons died in prison and police custody during the year (see Section 1.c.). According to an independent human rights organization, 70 persons died in police, prison, court custody, and army camps during the year.

Most police abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances where there was evidence of police culpability for extrajudicial killings, the authorities took action. In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. The case is ongoing. The case against a police sergeant for killing a rickshaw puller in July 1999 in Agargaon remained pending at year's end.

Court proceedings continued against 14 persons, including 13 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. At year's end, nine of the accused persons were in custody, and proceedings in the case were continuing (see Section 1.c.).

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad, leader of the Jatiya party, was granted bail in 1997. In late 1998, immediately after Ershad took a stronger stance against the Government, the Prime Min-

ister made remarks implying that the Government might accelerate the case. Subsequently Ershad entered into an alliance with other opposition parties to pressure the Government to step down by calling hartals and boycotting Parliament. On August 24, in a case concerning alleged misuse of power and corruption during Ershad's tenure as President, a High Court panel sentenced Ershad to 5 years in prison and a fine of \$1 million (about 55 million Taka) (see Section 1.e.). After Ershad's surrender to the court and subsequent incarceration on November 20, an appellate panel of the Supreme Court ruled that Ershad could be released from prison after payment of the fine, or after serving 6 months if the fine is unpaid. As of year's end, Ershad remained in jail. Ershad may be barred from politics for 5 years.

In 1998 a judge convicted and sentenced to death 15 persons for the 1975 murder of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina) and 21 of his family members (see Section 1.e.). On June 28, the High Court began hearing an appeal of the verdicts and a review of the sentences. On December 14, a 2-judge High Court panel confirmed 10 of the convictions and death sentences. On the remaining five convictions, the two judges released split opinions, and those cases were pending further High Court review at year's end (see Section 1.e.).

The Government continued to imprison eight persons accused of perpetrating the November 1975 murders of four senior Awami League leaders who then were in jail (see Sections 1.d. and 1.e.). On October 12, charges were filed against these individuals and 13 others who are not in custody. At year's end, the court was scheduled to begin hearing testimony in the case on January 24, 2001.

Vigilante violence against criminals by private citizens occurs. The Government reported that, by year's end, vigilantes killed 1 person, compared to 20 persons during the first 9 months of 1999. Authorities rarely arrest and punish those responsible for vigilante violence.

Press reports of vigilante killings by mobs are common. Tallying these reports, a newspaper estimated that mobs had beaten to death at least 14 persons in May and had killed at least 10 persons in June. Press editorials and commentaries opined that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system does not function. Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and that religious leaders sometimes lead it (see Section 5).

Mob violence also occurs. On August 18, Alfred Soren, a leader of the Santal tribe in the northern part of the country was killed and dozens of others were injured, in a mob attack, reportedly carried out by Bengalis who were angry with the tribals over a land dispute (see Section 5).

Violence, often resulting in killings, is a pervasive element in the country's politics (see Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clash with each other and with police during rallies and demonstrations. According to government figures, 15 persons were killed and 56 others were injured in politically motivated violence during the year. Awami League supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties (see Sections 2.b. and 3). Opposition parties also used armed violence and intimidation to enforce general strikes. During the year, four persons died in violence related to general strikes (hartals); five others were killed when run over by recklessly-driven vehicles that were violating the hartal.

One person was killed in an explosion at opposition BNP headquarters just hours before the beginning of a hartal on February 2. The Government accused the opposition of manufacturing bombs; the opposition alleged that the explosion was a government plot designed to discredit the opposition. During the February 2 hartal, another person was killed by a bomb in Dhaka. During the February 16 hartal, a businessman was killed in the old section of Dhaka. On August 30, a BNP youth front leader was killed during a hartal by unidentified persons in the old section of Dhaka.

During an opposition-called hartal in 1999, eyewitnesses saw Maqbul Hossain, an Awami League Member of Parliament (M.P.) for the Dhanmondi area of Dhaka, order the killing of two young BNP activists who had been seized by Hossain's armed followers. Members of Hossain's entourage then shot at point-blank range one of the men, BNP activist Sajal Chowdhury, who subsequently died; the other person was beaten. About a dozen police officers who were standing nearby in riot gear made no effort to intervene or to apprehend the gunmen, nor did the Government later take action against those persons responsible. However, police summoned for repeated interrogations the family of Chowdhury, which had filed a murder complaint against M.P. Hossain and the armed men. One Chowdhury family

member was arrested on criminal charges, then detained under the SPA after a judge granted him bail (see Section 1.d.). In December 1999, police submitted their final report on the case to the court, stating that the evidence did not support the murder charge. Subsequently, the court accepted the police report and dismissed the case against Hossain. Hossain then served legal notice on the victim's family, demanding that they explain why they should not be charged with criminal defamation.

Political killings continued during non-hartal periods as well. On July 16, Shamsur Rahman, a well-respected journalist who wrote articles on smuggling and terrorism in the southwestern region, was killed in Jessore. The Home Minister blamed the opposition for the killings; others blamed members of the ruling party who are connected with the smugglers. Numerous other journalists were killed or attacked by government or societal forces throughout the year (see Section 2.a.). On August 11, S.M.A. Rab, a prominent Awami League leader in Khulna, was killed. A Maoist group claimed responsibility. However, Rab's son blamed the killing on his father's rivals inside the ruling party who were upset by the Prime Minister's announcement that Rab would be the party's nominee for the Khulna mayoral post. On August 16, rival political party activists in the old section of Dhaka killed Awami League leader Kamal Hossain. On August 20, a pro-BNP attorney, Habibur Rahman Mandal, was shot and killed in the old section of Dhaka while on his way to court. The same morning a pro-Awami League attorney, Kalidas Boral, was shot and killed in Bagerhat (near Kulna), allegedly by rivals within his own party. A mourning procession for the two slain attorneys was fired upon, resulting in injuries (see Section 1.c.).

On July 21, a large bomb was unearthed near the site of a public meeting at which the Prime Minister was to speak the following day. On July 23, a second bomb was discovered near a helicopter pad that she had used the previous day (see Section 1.c.).

In March 1999, two persons were killed while making bombs at ruling party M.P. Mohammed Mohibur Rahman Manik's residence in the Sylhet region. Newspaper speculations that the bombs were to have been used if local intraparty conflicts were contested. Police arrested Manik in May 1999 for involvement in bomb making. The court charged the M.P. on February 29; at year's end, Manik remained free on bail. On August 16, Manik was injured, along with approximately 50 others, in a gun battle between 2 factions of the Awami League in Sunamganj, Sylhet Division. On March 7, 1999, 2 bombs exploded in Jessore, killing 10 persons who were attending a performance of the leftaffiliated cultural group Udichi Shilpa Gosthi. On July 19, 24 individuals were charged in connection with the bombing(s), including former minister and BNP leader Tariqul Islam. As of year's end, Islam and 2 others accused in the case were free on bail, 18 individuals were in jail, and 3 are not in custody. While awaiting trial, Islam and the two others on bail appealed to have the charges dismissed, saying that they were not involved in the case. The High Court stayed the order until February 14, 2001. On February 16, 1999, masked gunmen shot and killed Jatiya Samajtantrik Dal leader Kazi Aref Ahmed and four others as they were addressing a public rally in a village near Khushtia. On July 11, 29 individuals were charged in connection with the incident; 25 of them are in custody. As of year's end, the case was continuing.

Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. In an escalation of political violence, on July 12, gunmen fired automatic guns at a van in Chittagong, killing eight persons, including six members of the ruling party's student wing, the Bangladesh Chhatra League (BCL). The Government accused the student wing of the opposition JamaateIslami Party of being responsible for the attack. The Prime Minister challenged her supporters and the police to retaliate for the murders of her student supporters, declaring that there should be 10 opposition bodies for each one from the ruling party. An anti-Jamaat campaign following the July 12 killings resulted in the deaths of at least 2 Jamaat activists, the injury of many others, and the arrests of hundreds more (see Section 1.d.). The opposition asserts that the attack on the van was a continuation of a shoot-out the previous day between rival factions of the BCL that left three BCL activists dead. Published photographs of an August 20 clash between two factions of the BCL at Kabi Nazrul College in the old section of Dhaka showed a BCL activist wielding a pistol in the presence of a policeman. The ruling Awami League temporarily suspended the operations of its youth front wing in Dhaka. On December 15, many major newspapers published a photo of a man pointing a gun during the riot that ensued after the court issued a split verdict in the murder case of Sheikh Mujibur Rahman and his family (see Section 1.e.). The man was identified as Hemayetuddin, a well-known BCL leader. No police action was taken against him. The main opposition BNP suspended activities of the

central unit of its student wing, Jatiyatabadi Chhatra Dal, following the killing of two persons in a factional dispute at Dhaka University on July 2.

Extortion from businesses and individuals by persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion. On May 25, several young men shot and killed Iftekhar Ahmed Shipu, owner of a cellular telephone shop in Dhaka, after Shipu refused to give them a free telephone. A ruling party parliamentarian's son and several others were charged with the killing in a case filed by Shipu's relatives. According to press accounts and a subsequent investigation by a human rights organization, a gang led by Sumon, son of an influential local Awami League leader, abducted two young men on September 15 and demanded a ransom of about \$1,000 (50,000 Taka), which the parents did not pay. The dismembered bodies of the two victims were found in a drain the following day. The human rights organization report asserts that the police did not intervene to rescue the two young men, but rather shared drinks and cigarettes with the gang members as they were holding the two victims. Subsequently, the officer-in-charge of the local police station was transferred, and the police arrested several members of the gang.

*b. Disappearance.*—During the night of September 18, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home. According to reports from neighbors and from BNP sources, the General Secretary of the local chapter of the Awami League was behind this abduction and suspected killing. Police subsequently searched the General Secretary's residence for evidence relating to the abduction. A case was filed against the General Secretary, 2 of his sons, and 12 others, but neither the General Secretary nor his sons were arrested.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue. After several Dhaka policemen were arrested in 1998 for allegedly beating to death a college student in police custody (see Section 1.a.), the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain information.

Nasir Uddin Pintu, a leader of the opposition student group Jatiyatabadi Chhatra Dal (JCD), alleged that he was tortured in police custody with beatings, sleep deprivation, and dousing with water. He also reported that he was denied proper food and water while in custody from December 1999 to January. One human rights organization reported that, after conducting a field investigation, it had confirmed that on June 13, police officers in Jhenidaha arrested a 12-year-old boy named Belal, hung him nude from a tree, tied a brick to his genitals, and beat him with sticks, allegedly for teasing a beggar. The human rights organization reported that the family was too intimidated to file a criminal report on this incident. Subsequently, one police officer from the nearby Betai Police Camp was suspended temporarily; other policemen from the Camp were transferred.

Rape of female detainees in police or other official custody has been a problem, as the Chief Justice of the Bangladesh Supreme Court acknowledged in a March speech when he observed that rapes and killings in police custody frequently occurred (see Section 1.a.). Some well-publicized reports of rape in police custody in prior years resulted in a widespread public outcry. While there were no reports of such rapes during the year, it is unclear whether the situation has improved after public condemnation, or whether rapes continue and simply are not being reported.

According to human rights groups and media reports, police engaged in violence and looting during the July 1999 raid of the Tanbazar and Nimtali brothel districts, allegedly attacking residents as well as over 40 female human rights activists who were protesting the eviction (see Section 1.f.). The evicted sex workers were detained in vagrant centers, where guards and fellow inmates subjected them to sexual assault and harassment. According to two human rights organizations, fewer than a dozen prostitutes remained in the vagrant homes at year's end.

Police sometimes rape women who are not in custody. The Government reported that in May a police constable raped a woman who was not in police custody. After an investigation, the constable was charged with rape and placed under suspension. The case was pending at year's end. During the first 9 months of the year, one human rights organization documented nine cases of police raping women who were not in custody. In addition after women report that they are raped (or are involved in family disputes), they frequently are detained in "safe custody," where they endure poor conditions, and sometimes are abused or, as has been reported in prior

years, are raped (see Sections 1.d. and 5). Citing statistics from prison officials, one human rights organization asserted that as of September, 307 females (including adults and minors) and 114 male children were in "safe custody." Government figures showed that 353 persons, including 139 women, were in safe custody at year's end.

The police often employ excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a., 2.b., and 3). Before a scheduled rally of former Awami League M.P. Kader Siddiqui in May, police stopped Siddiqui in front of his house, fired gunshots into the sky to scare his followers, and beat him so severely that he required hospitalization. Four of his party activists were detained under the PSA. On August 6, police broke up a rally of the four-party opposition alliance using tear gas, rubber bullets and batons. At least 25 persons were injured seriously. On October 5, security personnel blocked a road in the southwestern part of the country to prevent opposition leader Begum Khaleda Zia from visiting floodaffected areas and addressing a scheduled rally. Awami League student activists, assisted by the police, dismantled the dais that had been erected for Zia's rally. Government leaders said Zia's scheduled rally was at the same venue as a rally the Prime Minister was slated to address. A formal clarification from the Government stated that this "unfortunate situation" would not have occurred had the opposition scheduled its program before or after the Prime Minister's. The opposition protested that its rally had been announced before the Prime Minister's program, and that it had assured the authorities that its program would be finished well ahead of the Prime Minister's arrival. In November approximately 100 persons were injured in Chittagong after police tried to break up a 500-person march of Jamaat-e-Islami party members. Police fired tear gas and blank shots to disperse the marchers, who retaliated with homemade bombs and bricks. Police arrested more than 100 protestors; 40 still were in custody at year's end. In a separate incident, no action was taken against police in the 1999 beating of Shafiul Alam Prodhan, president of the Jatiya Gonotantrik Party.

On May 3, police officers injured numerous persons in the Savar EPZ, as police stormed a garment factory that disgruntled workers had taken over. Four persons died and more than 20 persons were injured in the incident (see Sections 1.a. and 6.b.).

According to a May Human Rights Watch (HRW) report, Rohingya refugees living in camps continue to suffer abuses, including beatings and other forms of physical abuse, and in the past have been coerced by camp administrators trying to secure their return to Burma (see Section 2.d.).

The Government sometimes punishes family members for the alleged violations of others (see Section 1.f.).

Police corruption remains a problem and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.).

Both opposition and ruling parties routinely use actual or threatened violence to achieve political ends. Violence is a common feature during rallies, demonstrations, and general strikes. In an incident witnessed by a member of the foreign diplomatic community, on February 13, a joint procession of the four-party opposition alliance came under attack in Dhaka from unknown assailants. In retaliation some individuals from the procession damaged dozens of vehicles parked on the street. On August 7, members of an Awami League student wing procession fired upon a BNP torch procession in Narayanganj. The BNP demonstrators threw their torches at the Awami League student activists and stoned the police. As the police chased the BNP demonstrators, the Awami League activists ransacked the local BNP office. On August 16, 2 ruling party factions fought a gun battle in Sylhet Division, injuring some 50 persons. Also in August, a mourning procession for two slain attorneys was fired upon by unidentified assailants, injuring four persons, including two policemen (see Section 1.a.).

In the past, some opposition political activities, especially hartals, allegedly were staged with the intent of provoking violent clashes, in order to embarrass the Government and galvanize public opinion. However, the overall incidence and severity of hartals decreased significantly during the year.

On December 22, after the BNP announced a new central committee for its youth wing, the Jatiyabadi Chhatra Dal, JCD activists opposed to the new leaders attacked the houses of two BNP leaders, damaged vehicles, and ransacked properties to protest the new committee, alleging that the new leaders were well-known terrorists, not students (see Section 1.a.).

Members of the Ahmadiya religious minority were attacked at several places in the country (see Section 5).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, and may include

humiliating, painful punishments such as whipping (see Sections 1.a. and 5). Rejected suitors, angry husbands, or those seeking revenge sometimes throw acid in a woman's face (see Section 5).

On July 21, in Kotalipara village, Gopalganj district, a large bomb was found near the rostrum where Prime Minister Sheikh Hasina was supposed to make an appearance the following day. On July 23, a second bomb of similar size was found buried near the helipad prepared for the Prime Minister's use at the same site. No one was hurt. The Government accused the opposition of plotting to kill the Prime Minister, and several dozen persons, including members of Jamaat-e-Islami and other pro-Islamic groups, were arrested or picked up for interrogation. On September 13, 20 persons were accused of being involved in the assassination attempt. Of those, 11 later were charged. At year's end, four were in custody; several others remained unapprehended (see Section 1.a.).

Prison conditions are extremely poor for most prisoners. The Supreme Court Chief Justice told a seminar on August 10 that prisoners live a "subhuman" life. Official figures indicated that 134 persons died in prison and police custody during the year (see Section 1.a.). According to credible sources, poor conditions were at least a contributing factor in many of these deaths. Most prisons are overcrowded and lack adequate facilities. According to government figures, the current prison population of 63,489 roughly is 265 percent of the official prison capacity. Of those, 16,393 were convicted and 47,096 were awaiting trial or under trial. In some cases, cells are so crowded that prisoners sleep in shifts. The Dhaka Central Jail reportedly houses over 8,000 prisoners in a facility designed for fewer than 3,000 persons. A 1998 judicial report noted the poor physical condition of jails and unhygienic food preparation. Drugs are abused widely inside the prisons. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and lowlevel political workers generally are held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better; A cells are reserved for prominent prisoners. The Government has begun construction of additions to jail facilities in an effort to alleviate overcrowding.

In general the Government does not permit prison visits by independent human rights monitors (see Section 4). Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges occasionally also visit prisons, but rarely disclose their findings.

*d. Arbitrary Arrest, Detention, or Exile.*—The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation (the SPA or PSA) to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice authorities frequently violate these constitutional provisions, even in non-preventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to the Government, 10,582 persons were arrested under Section 54 during the year. Of those, 3,915 subsequently were charged with criminal offenses. In 1998 the Home Minister acknowledged that police abuse Section 54. The Government sometimes uses Section 54 to harass and to intimidate members of the political opposition and their families. In a Government crackdown on the Jamaat-e-Islami after the July 12 killings of Awami League student supporters in Chittagong (see Section 1.a.), the police arrested 38 Jamaat students at Rajshahi University on July 15 under Section 54. After an August 6 clash between student activists of the ruling Awami League and the Jamaat-e-Islami at the Islamic University in Kushtia, the police detained 30 Jamaat-e-Islami supporters under Section 54. In addition police commonly detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. Newspapers sometimes report instances of police detaining persons to extract money or for personal vengeance.

Under the SPA the Government or a district magistrate may order anyone detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The Government (or magistrate) must inform the de-

tainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. Appellate courts sometimes order authorities to release SPA detainees after finding that the Government is unable to justify the detention. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants are either too poor or, because of strict detention, are unable to obtain legal counsel and thereby move the case beyond the magistrate level. Magistrates are subject to the administrative controls of the Establishment Ministry and are less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. While in the past the Government has held incommunicado some prominent prisoners, there were no known cases of incommunicado detention during the year.

According to a study carried out by a parliamentary subcommittee and released on September 7, successive governments have detained 69,010 persons since the SPA was enacted in 1974, and have released 68,195 persons, following orders from the High Court. The study asserted that the SPA cases generally are so weak and vague that the court had no alternative but to grant bail.

The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing its use of the act; some observers assert that use of the recently enacted Public Safety Act (PSA) explains the reduction of persons held under the SPA. According to the Government, 801 persons were under SPA detention at year's end: 416 for terrorism, 301 for smuggling, and 84 for anti-social activities. This was 180 fewer than the 981 persons under detention as of January 1, and a substantial decrease from the approximately 2,000 persons under SPA detention in mid-1997. According to the Government, authorities detained 1,331 persons under the SPA and released 1,511 SPA detainees during the year.

In response to a deteriorating law and order situation, Parliament passed the restrictive new PSA in January; the law became effective in February. The law established special tribunals to hear cases under the act, and made such offenses non-bailable. Opposition leaders expressed fears that the law would be used to arrest political opponents of the ruling party, as the law, like the SPA, allows police to circumvent normal procedures designed to prevent arbitrary arrest, and precludes detainees from being released on bail, which often is the result of arrests based on little or no concrete evidence (see Section 2.b.). According to the Government, 1,350 persons were arrested under the PSA during the year: 445 for interfering with tenders and 905 for damaging vehicles or obstructing traffic. Of those, 450 persons were released, 140 within 1 month, 301 within 3 months, and 9 within 6 months of detention. According to a human rights organization, 3,763 persons were accused under the PSA from February through August 10. Of these persons, 1,285 eventually were arrested. Another human rights organization reports that from June 1 to September 15, 1,166 persons were accused under the PSA, of whom 90 belonged to the BNP, 29 to the Awami League, and 32 to the Jamaat-e-Islami.

Opposition leaders claim that the Government used the new PSA to intimidate them. There are credible reports from human rights monitors and political activists that the Awami League Government uses both the SPA and the new PSA as tools to harass and intimidate political opponents and others. In November police searched the residence of Bahauddin, editor of an opposition newspaper, to arrest him on charges of sedition for publishing a parody of the national anthem that mocked the Prime Minister (see Section 2.a.). When police could not find Bahauddin, they arrested his brother, Mainuddin, instead, under the Special Powers Act (see Section 1.f.). Mainuddin spent 16 days in jail and then was released under court order.

On December 26, BNP Member of Parliament Morshed Khan went to a shop to inquire about the identity of some youths who had attacked his son over a minor traffic incident. According to Khan, a mob of several dozen youths with weapons and sticks gathered around the shop to attack him. He quickly left. After the incident, a PSA case was filed against Khan and his son for allegedly stealing cash from the shop. In contrast no PSA case was filed against any member of the Awami League student front, the BCL, when they incited a riot on December 14 after announce-

ment of the split verdict in the Sheikh Mujibur Rahman murder case (see Sections 1.a. and 1.e.). BCL activists had taken to the streets, smashing and burning hundreds of vehicles, and one auto-rickshaw driver was shot and killed. No PSA charges were filed against BCL leader Humayetuddin, whose photo appeared in numerous newspapers, wielding a gun during the incident (see Sections 1.a. and 2.a.), nor against others identified as participants in this violence.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. However, some provisions of the law preclude the granting of bail. The Women and Children Repression Prevention Act provides special procedures for persons accused of violence against women and children. Persons arrested under this act cannot be granted bail during an initial investigation period of up to 90 days. Some human rights groups express concern that a large number of allegations made under the act are false, since the non-bailable period of detention is an effective tool for exacting personal vengeance. According to government figures, 7,565 persons were detained under this act during the year. At year's end, there were 2,139 persons detained under this law. A total of 201 persons were convicted under this law during the year. In January Parliament passed The Women and Children Repression Prevention Act, which amended and superseded the old law of the same name. The new law calls for harsher penalties, provides for compensation to victims, and requires action against investigating officers for negligence or willful failure in duty (see Section 5). In a radio interview on July 26, the Prime Minister called the courts "safe havens" for criminals, and criticized the courts for being too liberal in granting bail, even to known criminals. The Prime Minister's remarks led to protests from lawyers and the filing of three contempt of court petitions against her. If bail is not granted, the law does not specify a time limit on pretrial detention.

Prisons often are used to provide "safe custody" for women who are victims of rapes or domestic violence (see Sections 1.c. and 5). One study conducted by the Bangladesh National Woman Lawyers Association (BNWLA) found that nearly half of the women in Dhaka's Central Jail were crime victims being held in safe custody, not criminals (see Sections 1.c. and 5). While women initially may consent to this arrangement, it often is difficult for them later to obtain their release, or to gain access to family or lawyers. While there have been reports in prior years of police raping women in safe custody, there were no reports that this occurred during the year (see Section 1.c.).

A major problem with the court system is the overwhelming backlog of cases, which produces long pretrial delays. The Chief Justice of the Supreme Court on May 19 told a gathering organized by the Law Ministry that about 1 million cases were pending in criminal, civil, and appellate courts. More than 47,000 persons, or about 75 percent of the country's prison population, were awaiting trial or under trial. According to research by one human rights organization, most prison inmates never have been convicted and are awaiting trial. The Government explains that many convicted persons who are appealing their cases sometimes mistakenly are counted as "pretrial detainees." Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report instances of pretrial detention lasting several years. One human rights organization asserted that the average time in detention before either conviction or acquittal is in the range of 4 to 7 years. Reportedly some prisoners awaiting trial have been in prison longer than the maximum sentence they would receive if convicted. In one case reported by a human rights group, a suspended bank officer in Chittagong was arrested in 1985 on corruption charges. Bail was granted in 41 of the 45 cases filed against him. The bail petitions in the remaining four cases have yet to be heard, and trials on the merits of any of the charges have not begun. If convicted of the charges against him, his maximum sentence would be no more than 10 years, yet he already has served 15 years in pretrial detention. In another case, the BNP government in 1993 arrested a 10-year-old boy in connection with an Awami League demonstration. He remained in jail without a hearing until this year, when a prominent Dhaka attorney took up his case and won his release on bail. Trials often are characterized by lengthy adjournments, which considerably prolong the incarceration of accused persons who do not receive bail.

Citizens who are not political opponents sometimes also are detained arbitrarily. Newspapers and human rights activists report numerous cases in which a person is arrested in order to force family members to pay for his or her release. In a 1999 judgment criticizing the police for abuse of detention powers, the High Court commented that the police had become a law breaking agency. Most persons detained under the SPA ultimately are released without charges being brought to trial (see Sections 1.f. and 2.a.).

The Government sometimes uses serial detentions to prevent the release of political activists. A former Jamaat-e-Islami M.P. was released on bail on October 3 and immediately redetained under the SPA. National Socialist Party member Mahmud Hasan Shachchu, an elected leader of a local government unit in Kushtia, was jailed in June 1999. After the High Court declared his detention illegal in April, the local magistrate detained Shachchu again under the SPA.

Numerous court cases have been filed against opposition M.P.'s and activists, on charges ranging from corruption to murder. In June 1999, the Prime Minister told Parliament that more than 70 current BNP M.P.'s were under investigation for alleged corruption during the previous administration. Most of these corruption cases still were under investigation and a few had been completed by year's end. Obaidur Rahman, a BNP M.P., remained in prison. Rahman and two other political figures were arrested in October 1998 for alleged complicity in the 1975 "jail killings" of four senior Awami League leaders. The Government continued to hold eight persons accused of perpetrating these murders. On October 12, the court filed charges against these persons. The deposition of witnesses in the jail killing case was scheduled to begin on January 24, 2001.

Some opposition activists were detained or charged in questionable cases. On July 21, a Jamaat-e-Islami leader in Chittagong was arrested and accused in five cases; he subsequently was detained under the SPA. On September 11, the High Court found his detention invalid and ordered his release.

In a case that appears to be politically-motivated, a senior leader of the opposition Islami Oikkyo Jote was detained from September 5 to November 7 under the SPA on the basis of his alleged involvement in undefined "anti-State activities."

It is difficult to estimate the total number of detentions for political reasons. In some instances criminal charges may apply to the actions of activists, and many criminals claim political affiliations. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, detect, or publicize cases of political harassment. Most such detentions appear to be for short periods, such as several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, some subordinate courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases; however, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

In a case concerning alleged misuse of power and corruption during President Hossain Mohammad Ershad's tenure as President, a High Court panel on August 24 sentenced Ershad to 5 years in prison and a fine equivalent to about \$1 million (approximately 55 million Taka). Ershad, who leads the Jatiya party, was sent to prison after he surrendered to the court on November 20. Meanwhile the appellate panel of the Supreme Court reduced his sentence to either payment of the fine or 6 months in jail. However, Ershad may be banned from Parliament for 5 years. In another case in 1995, the Government charged Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman (see Section 1.a.).

There continued to be tension between the executive and the judiciary during the year. In 1999 the Government charged that the High Court granted bail to criminals indiscriminately, crippling efforts to combat crime. In January Parliament hastily passed the Public Safety Act, citing the ready availability of bail for criminal offenses as one of its motivations (see Sections 1.d. and 2.b.). In October the court dismissed a case of contempt of court against Prime Minister Sheikh Hasina for her criticism of the court, but cautioned her against making statements not based on fact.

On December 14, the High Court issued a split verdict in the murder case of Sheikh Mujibur Rahman, founder of the country and father of the Prime Minister, along with 21 members of his family. The senior judge in the case upheld the convictions and death sentences of 10 of the 15 previously convicted persons, while the junior judge upheld the convictions and death sentences of all 15 of the convicted. The Prime Minister expressed her disappointment that both judges did not uphold the death sentences for all 15, and ruling party Chhatra League activists rioted in the streets, smashing and burning hundreds of cars in protest of the split verdict (see Sections 1.a. and 1.d.).

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the administrative branch of government, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State-funded defense attorneys rarely are provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel generally is available if individuals can afford the expense. However, sometimes detainees and suspects on police remand are denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act, are similar to normal trials, but are tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear as to the disposition of the case if it is not finished before the time limit elapses.

Persons may be tried in absentia, although this rarely is done. In November 1998, 15 of the 19 defendants tried for the 1975 killing of then-President Sheikh Mujibur Rahman and 21 of his family members were convicted and sentenced to death, and 4 persons were acquitted. Fourteen of the defendants were tried in absentia, and 12 of them were convicted. In April when the High Court began its automatic review of the death sentences, the first two judges assigned to the case recused themselves, declaring that they were unable to hear the cases impartially, prompting heavy criticism from the Government. After the second recusal, government supporters marched to the High Court Building wielding sticks and clubs, and called for the execution of the sentences issued at the trial. Some members of the Cabinet, including the Home Minister, participated in a rally that threatened action against the judges for their failure to take on the case. The Prime Minister expressed sympathy with those persons protesting against the judiciary. Many observers believe that the High Court judges recused themselves because government interest in and pressure regarding the case were not conducive to a neutral judicial review of the trial; however, the judges have not explained their decisions, and there is no direct evidence to substantiate such allegations. The High Court is to rule simultaneously on appeals filed by four defendants present in the country. There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel (as was done in the Sheikh Mujib case), but may not choose their own attorneys, and, if convicted, may not file appeals until they return to the country.

A major problem of the court system is the overwhelming backlog of cases, and trials under way typically are marked by extended continuances while many accused persons remain in prison (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice. According to one independent sample survey conducted by Transparency International Bangladesh, over 60 percent of the persons involved in court cases paid bribes to court officials. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, is popular in rural communities. However, these mechanisms also can be subject to abuse.

The Government states that it holds no political prisoners, but the BNP and human rights monitors claim that many opposition activists have been arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many such prisoners actually are being held (see Section 1.d.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtain warrants, and officers violating the procedure are not punished. In addition the SPA permits searches without a warrant.

The Government sometimes forcibly resettles persons against their will. In 1999 police forcibly removed 267 sex workers from a large brothel district in Tanbazar and Nimtoli, Narayanganj. Authorities claimed that the women wished to be rehabilitated, but credible eyewitnesses said that the women refused the offer. The 267

women were confined in a center for vagrants, where some alleged that they were abused. By December fewer than a dozen remained in the vagrant homes (see Section 1.c.).

In 1999 police and paramilitary troops forced more than 50,000 persons from their homes in 6 Dhaka slum areas. The Government continued its slum clearances during the year. On April 15, the Government demolished 700 homes in the Segunbagicha slum area. On April 30, police officials demolished the Paribagh slums, leaving 1,100 persons without shelter. After police announced the destruction of the railway slum in Kawran Bazar, residents protested the 1-day notice. Police used rubber bullets and batons to subdue the protesters, injuring 30 persons. Police and hired laborers set fire to 20 huts, but were unable to dislodge the slum dwellers (see Section 1.c.).

The Government sometimes punishes family members for the alleged crimes of others (see Section 1.c.). According to one human rights organization and a published account by one of the victims, on the evening of June 17, police raided a house in the Khilgaon section of Dhaka, and after failing to locate their intended target, arrested his parents and beat his sisters. In November when police could not find Bahauddin, editor of an opposition paper, to arrest him under charges of sedition, they arrested his brother, Mainuddin, instead. Mainuddin was not connected with the sedition charge; however, police arrested him under the SPA (see Sections 1.d. and 2.a.).

The Special Branch division of the police, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations. For example, representatives from one human rights organization report that police harassed their representatives in Comilla and Chittagong.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech, expression, and the press, subject to “reasonable restrictions” in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, several newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there is one privately-owned wire service affiliated with a major international company.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. Government-sponsored advertising is the largest source of revenue for many newspapers. In allocating advertising through the Department of Films and Publications, the Government states that it considers circulation of the newspapers, wage board implementation, objectivity in reporting, coverage of development activities, and “attitude towards the spirit of Bangladesh's War of Liberation.” Commercial organizations often are reluctant to advertise in newspapers critical of the Government due to fear of unspecified governmental or bureaucratic retaliation.

Attacks on journalists and newspapers, and efforts to intimidate them by government leaders, political party activists, and others frequently occurred. Such attacks by political activists are common during times of political street violence, and some journalists also were injured in police actions (see Section 1.c.).

On January 4, two unidentified persons threw a bomb at the building that houses the Bangla-language daily Dainik Azadi, causing no major damage; however, a few minutes later, another bomb blast damaged the managing editor's car. On January 5, the leader of the local Jatiyabadi Chhatra Dal (the student wing of the BNP in Munshiganj), attacked Zakir Hossain Sumon-Srinagar, a correspondent for the “Ajker Kagoj,” reportedly because he published a news item criticizing the student group. When Sumon was attacked, a senior journalist, Shafi Uddin Ahmed, tried to rescue him and also was attacked by the student group. No one was held accountable in either incident.

On January 15, three unidentified persons shot and killed journalist Mir Illais Hossain in Jhenaidah. The journalist, also the leader of a leftist party, allegedly had

received death threats a few weeks before the killing and had requested police protection. Four persons were arrested for their suspected involvement in the murder. By year's end, charges had not been filed. On February 27, a court in Narayanganj issued an arrest warrant for the editor and other officers of the opposition daily Dinkal on the basis of a complaint lodged by a ruling party M.P., who accused the newspaper of publishing false, malicious and inaccurate reports about him. On March 8, police officers raided the newspaper's office, threatening journalists and damaging furniture. The police withdrew after about 1 hour. On May 20, activists from the ruling party student front, the BCL, assaulted two Dhaka University correspondents and threatened to kill one of them.

On July 16, two men entered the Jessore office of the Bangla-language daily Janakantha and shot and killed reporter Shamsur Rahman (see Section 1.a.). Rahman had been reporting on the activities of criminal gangs in the southwest part of the country, and the relationship of those gangs to the national political parties. By September 15, 12 persons had been arrested in connection with the murder. By year's end, charges had not been filed.

According to the Committee to Protect Journalists, on October 20, a group of Jubo League activists, the youth wing of the ruling party, threatened Sohrab Hossain, a reporter with the regional "Loksamaj," after he wrote an article about problems with the Government's relief efforts in the flood-ravaged district of Satkhira. On October 25, State Minister for Social Welfare Mozammel Hossain (the person in charge of overseeing relief operations in Satkhira district) reportedly actively encouraged ruling party members to attack physically the press by saying "Wherever you will find journalists, break their bones." On October 26, a group led by local Awami League leader Nurul Islam ransacked the office of the local daily "Satkhirar Chitro" and assaulted Anisur Rahim, the newspaper's editor, with knives and a revolver, hospitalizing him. The attack followed the newspaper's report on the alleged misappropriation of disaster relief funds (see Section 1.c.). One person was arrested for his involvement in the attack on the editor following the state minister's remarks, but by year's end, no charges had been filed.

According to the International Freedom of Expression Exchange, on October 27, Monwar Islam, senior journalist and secretary-general of the Dhaka Reporters Unity (an organization for reporters working in Dhaka) narrowly escaped an abduction attempt, allegedly because of his reporting. By year's end, no investigation had been conducted, and Islam had fled the country.

Virtually all print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential personalities in both the Government and the opposition; however, some journalists do make such criticism. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. For example, in March the Laxmipur correspondent of a leading Bangla-language newspaper was arrested under the PSA, following a report he published on police involvement in mass cheating during high school examinations. The journalist was released in November as the Government failed to prove the charge against him in the PSA Tribunal. On May 28, Aminur Rahman Taj, a reporter from "Ajker Kagoj," a leading Bangla-language newspaper, was arrested without a warrant and later was accused of defamation of character. Earlier his paper had published an article asserting that the wives of a prominent minister and a senior police official were involved in corrupt practices. After the reporter's arrest, fellow journalists strongly protested, and the police threatened to file PSA cases against the journalists. The protesting journalists went to the High Court for protection, and no PSA charges were filed against them.

In June a leading English-language newspaper ran a story about three sons of M.P.'s who were allowed to leave the country after being implicated in criminal cases. When the story was quoted in foreign newspapers, an official from the Prime Minister's Office pressured the newspaper's management to fire the author of the story. The author resigned under pressure a few days later. On August 6, a daily newspaper in Chittagong issued a notice retracting a story it had run the previous day, implying that a ruling party faction was involved in the July 12 murders of eight persons in a van (see Section 1.a.). The reporter who authored the original story was fired. According to press reports, the General Secretary of a local Awami League chapter declared at a public rally in Laxmipur on October 4, that he would "chop off the hands and legs" of journalists who continue to write about him (see Section 2.a.). He threatened to "throw opposition activists into the river" if they came out against him, and to take action against the police if they tried to arrest him. An Awami League Presidium member and government minister was "chief guest" at this Laxmipur rally. Two days later, armed men in Laxmipur injured a newspaper reporter in an attack.

Journalists and others potentially are subject to incarceration as a result of criminal libel proceedings filed by private parties. Ruling party M.P.'s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges filed against a Bangla-language newspaper in February 1998 remained pending, and those persons accused remained on bail. In November a new sedition charge was filed against the same editor, Bahauddin, for publishing a parody of the national anthem mocking the Prime Minister. When the police arrived at Bahauddin's residence to arrest him, he was not there, so they arrested his brother Mainuddin instead (see Sections 1.d. and 1.f.). Mainuddin was arrested under the PSA, and therefore was not eligible for bail. Mainuddin was not charged; after 16 days he was released. Charges against editor Bahauddin remain pending in both sedition cases.

Feminist author Taslima Nasreen, whose writings and statements provoked death threats from some Islamic groups in 1993 and 1994, left the country for Europe in 1994. Nasreen returned to the country in September 1998, and then departed again in January 1999. She remains abroad in self-imposed exile, and both criminal and civil cases against her for insulting religious beliefs remain pending. However, a private citizen filed similar charges in 1994, and a judge issued an arrest warrant in that case after Nasreen's September 1998 return. The warrant never was executed, and Nasreen later requested and received anticipatory bail from the High Court. In August 1999, the Government banned the import, sale, and distribution of Nasreen's latest book, citing the likelihood that the book would inflame passions and offend the religious sentiments in the Muslim community (see Section 5).

On June 29, the Government banned a book written by Matiur Rahman Rentu, a former aide to Awami League president and current Prime Minister Sheikh Hasina, on the grounds that it contained materials that could provoke hatred and malice toward the Government. The author was shot and injured by unidentified assailants in Dhaka after his book first was released.

The Government owns and controls radio and television stations. The activities of the Prime Minister occupy the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news gets little coverage. In its 1996 election manifesto, the Awami League called for autonomy for the state-controlled electronic media. A government committee subsequently recommended measures for authorizing autonomy for radio and television broadcasts, but the Government has yet to implement this recommendation. However, the Prime Minister on September 20 reiterated her earlier commitment to grant autonomy whereby the responsibility for funding still would come from the Government but the stations would be run by independent bodies without government interference. The Ministry of Information has authorized one private radio station and one private television station. That private television station, named Ekushey Television (ETV), went on the air in early March and began full commercial broadcasts on April 14. ETV broadcasts to 70 percent of the country via land transmission and to the entire country via satellite. On November 6, programming duration was extended from 10 to 12 hours per day. ETV broadcasts two Bangla-language news bulletins of its own and rebroadcasts the state-owned and run, BTV, English-language news bulletin. ETV news bulletins cover opposition events without any apparent interference from the Government. Moreover, the station also carries a feature program that addresses various social problems and calls for government action to redress these issues. ETV's proprietor owns the private radio station. As a condition of operation, both private stations are required to broadcast for free some government news programs and speeches by the Prime Minister and President.

Foreign publications are subject to review and censorship. Censorship most often is used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. The September 18 issue of the international news magazine "Newsweek," published in Singapore, was banned in the country because it featured a photograph of Koranic verses on the sole of a human foot.

A government Film Censor Board reviews local and foreign films, and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. During the year, the Film Censor Board banned 14 English-language films on the grounds of obscenity and 13 Bangla-language films, although after 2 months the ban on the Bangla-language films was lifted. The Government also banned the screening of any English-language films in approximately 10 movie theaters that regularly do not comply with the Censor Board. Cable operators generally function without government inter-

ference, but on August 15 (the anniversary of the assassination of Sheikh Mujibur Rahman, the nation's founder and father of the current Prime Minister), the Government asked them to suspend their operations for the day, and the operators complied. Video rental libraries provide a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films are sporadic and ineffectual. The Government does not limit citizens' access to the Internet.

The Government generally respects academic freedom. Although teachers and students at all levels largely are free to pursue academic assignments, research on extremely sensitive religious and political topics is forbidden.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in temporary closures of colleges and universities in Chittagong, Sylhet, and other localities. A woman on the Dhaka University campus was partially stripped during New Year's Eve celebrations on December 31, 1999. After a week of heavy criticism by the press, three members of the student wing of the ruling party were arrested but later freed on bail. A ruling party M.P. made a statement in Parliament that demanded the punishment of the victim for violating Muslim social values by being on the streets to celebrate New Year's Eve (see Sections 2.c., 2.d., and 5). Campus violence has little to do with ideological differences, and more to do with extortion rackets run by nonstudent party activists, including those based on physical control of dormitories. As a result of widespread violence and campus closures, it takes nearly 6 years to earn a 4-year degree. However, several private universities that were established during the 1990's are not affected by student political violence.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limits this right. Section 144 of the Criminal Procedure Code allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed Section 144 bans 33 times during the first 9 months of the year. The Government sometimes uses Section 144 to prohibit rallies for security reasons, but many independent observers believe that such explanations usually are a pretext. Supporters of the ruling party frequently will schedule their own rallies for the same venue and time as scheduled opposition rallies and meetings, thus providing the Government a basis for imposing Section 144 for security reasons. The Krishak Sramik Janata League of former Awami League stalwart and present opposition figure Kader Siddiqi had to cancel a scheduled rally at Karimganj on May 14, because the ruling party's student wing announced a rally at the same time and place, prompting the local administration to impose Section 144. The BNP youth front could not hold its planned rally at Muladi in Barisal on June 29, because the local administration imposed Section 144 following a simultaneous rally by a ruling party organization at the same location.

Authorities also permit ruling party activists to blockade roads and take other steps to disrupt opposition events. During nationwide general strikes called by the opposition, ruling party activists routinely intimidate opposition supporters and seek to coerce shopkeepers and drivers to ignore the strike.

Ruling party supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties. On August 6, at least 22 persons were injured during a gunbattle on the Islamic University Campus between activists of the ruling party student wing, the Bangladesh Chhatra League, and the Islami Chhatra Shibir (ICS), the student wing of the Jamaat-e-Islami. According to one human rights organization that cites campus sources, the shooting began when a procession of ruling party supporters opened fire on an ICS procession. On August 6, police officers attacked a joint opposition rally led by the BNP that was held to protest the Government's failure to eradicate the mosquitoes that carry dengue fever. Using teargas, rubber bullets, and lathis (heavy sticks), the police broke up the rally and procession. More than 100 persons were injured during the incident (see Section 2.a.).

Thirteen full or part days of opposition-called hartals (general strikes) took place during the year at the national or local levels. In addition there were a number of local hartals to demand the Government's resignation, and to protest the enactment of the PSA (see Sections 1.d. and 1.e.), attacks on opposition rallies and processions, rising fuel prices, and the killing of a pro-BNP lawyer (see Section 1.a.). Localized hartals were frequent occurrences in some parts of the country.

Four persons died in violence during the hartals, and many were injured, including opposition activists, police, and many ordinary citizens (see Sections 1.a., 1.c., and 3).

Local ruling party groups sometimes also call local general strikes. Party activists enforce these strikes through threatened or actual violence against strikebreakers. Those persons who are opposed to or neutral toward the strike are coerced into observing prohibitions against vehicular transport and normal operation of businesses. Both opposition and ruling party activists mount processions during general strikes. Police rarely interfere with ruling party processions on such occasions; police and ruling party activists often work in tandem to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respects this right. Individuals are free to join private groups.

*c. Freedom of Religion.*—The Constitution establishes Islam as the state religion but also stipulates the right—subject to law, public order, and morality—to practice the religion of one's choice, and the Government respects this provision in practice. However, although the Government is secular, religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of the majority of its citizens. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities continue to perceive and experience discrimination toward them from the Muslim majority (see Section 5).

Religious organizations are not required to register with the Government; however, all nongovernmental organizations (NGO's), including religious organizations, are required to register with the NGO Affairs Bureau if they receive foreign money for social development projects. The Government has the legal ability to cancel the registration of an NGO or to take other action against it; such powers rarely are used and have not affected NGO's with religious affiliations.

Religion is taught in schools, and children have the right to be taught their own religion.

The law permits citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups are aimed at serving communities that have been Christian for several generations or longer. The Government allows various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens generally are able to move freely within the country and to travel abroad, to emigrate, and to repatriate; however, there were instances in which the Government restricted these rights. In August 1999, immigration authorities seized the passport of Jatiya Party Secretary General Naziur Rahman Monzur. A High Court ruling ordered the passport to be returned to Monzur, and the Supreme Court rejected government appeals against the ruling. However, the passport had not been returned by year's end. Then-leader of the opposition Jamaat-e-Islami, Ghulam Azam, in December 1999 submitted his passport to immigration authorities for renewal, but it was not renewed. Azam filed a writ petition with the High Court on March 13, challenging the Government's refusal to renew his passport. On June 8, the Court ordered the Home Secretary to renew the passport within 15 days and return it to Azam. The Government filed a delayed appeal with the Supreme Court. The case was pending at year's end. In late 1999 immigration authorities seized the passport of Jatiya Party chairman and former president H.M. Ershad and subsequently returned it under court orders. However, on June 5, the Government barred Ershad from going to London for medical treatment, and immigration authorities at the airport in Dhaka seized his passport again. A High Court bench dismissed Ershad's writ petition, challenging the restriction on his travel and the seizure of his passport. However, the appellate panel of the Supreme Court on August 17 ordered the Government to return the passport to Ershad. The Government has yet to comply with this order; Ershad also had not yet received a certified copy of the court's order to return the passport by year's end. Bangladeshi passports are invalid for travel to Israel.

The law does not include provisions for granting refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government grants temporary asylum to individual asylum seekers whom the UNHCR has interviewed and recognized as refugees on a case-by-case basis. At the UNHCR's request, the Government allowed

about 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation and resettlement to other countries.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the country since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during Bangladesh's 1971 War of Independence. They later declined to accept Bangladesh citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Approximately 251,000 Rohingya refugees (Muslims from the northern Burmese state of Arakan) crossed into southeastern Bangladesh in late 1991 and 1992, fleeing repression. Since 1992 approximately 232,000 Rohingyas have been repatriated voluntarily to Burma, nearly 22,700 have left the camps and are living among the local Bangladeshis, more than 32,200 children have been born to the refugees, 7,700 have died, and more than 20,800 refugees remain in 2 camps administered by the Government in cooperation with the UNHCR. After blocking further repatriation in August 1997, Burma allowed repatriation to resume in November 1998, but at such a slow rate that births in the camps outnumbered repatriations. In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to HRW, there are reports of violence by refugee camp officials against Rohingyas (see Section 1.c.). Despite senior level interaction with the Burmese Government, the Bangladesh Government remains unable to win Burmese agreement to accelerate the rate of repatriation.

According to media reports, several thousand more Rohingyas arrived during the year, but recent arrivals avoided the camps and attempted to settle in the southeastern areas of the country. HRW reports that more than 100,000 Rohingyas who have entered the country since 1991 live in precarious circumstances in the country outside the camps with no formal documentation. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them are fleeing persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Bangladesh is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.'s are elected at least every 5 years. The Parliament has 300 elected members, with 30 additional seats for women, who are chosen by Parliament. Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court or, if he is unfit or unwilling, another senior retired justice or other neutral figure. Domestic and international observers deemed the last general election, held in June 1996, to be generally free and fair. The high voter turnout of 75 percent set a new record.

Due to continuing opposition from the opposition parties, the Election Commission did not schedule upazila (subdistrict) elections. In July Parliament passed the zila (district) council law, which provides for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowers the Government to appoint these chairmen until the indirect elections can be held. The Government has not made such appointments. The Chittagong City Corporation election was held on January 3; however, the opposition parties boycotted it, and the Awami League incumbent mayor was reelected unopposed. On the national level, the opposition parties continued to demand the immediate resignation of the Government and elections under a caretaker regime.

Elections often are marred by violence, intimidation of voters, and vote rigging. The Government and activists of major political parties frequently use violence and harassment against political opponents, practices that intensify in the period prior to elections. On July 31, Food Minister and Awami League Presidium member Amir Hossain Amu won a by-election, which was boycotted by the opposition. International and domestic observers as well as the media witnessed widespread intimidation of voters and abuse of authority in support of the winning candidate. The dispute over the November 15, 1999, by-election in Tangail remained unresolved and the ruling party candidate, although declared the victor, could not take his oath of office.

Political activists also reportedly engage in extortion from businesses and individuals (see Section 1.a.).

Under constitutional amendments enacted in 1991, the country changed from a presidential system to a parliament-led system. The changes stipulated that an M.P. who resigns from his party or votes against it in Parliament automatically loses his seat. BNP member Major (retired) Akhtaruzzaman lost his seat in Parliament as he joined the parliamentary session in violation of his party's decision to abstain. In practice this provision solidifies the control of Parliament by the Government and the Prime Minister. The lack of democracy within the political parties that have formed governments since 1991 has resulted in a concentration of political power in the office of the Prime Minister, regardless of which party is in power. In practice the Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body is undermined further by the country's narrow, partisan politics. Since July 1999, the major opposition parties have abstained from parliamentary sessions. However, members of the opposition continue to participate in parliamentary standing committees on government ministries, which were formed in 1998. These committees are headed by M.P.'s rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work.

Women are underrepresented in government and politics. Thirty parliamentary seats are reserved for women chosen by majority vote in Parliament; critics charge that these seats act far less to empower women than to enhance the ruling party's majority. The constitutional provision that provides for these 30 reserved seats expires in April 2001, unless a new parliament sits before that date. A Government-sponsored bill to extend this provision cannot be passed unless the opposition ends its ongoing boycott of Parliament and supports the bill. In addition to these seats, women are free to contest any seat in Parliament. Seven current women M.P.'s were elected in their own right.

Seats are not specifically reserved for other minority groups, such as tribal people. Of the 300 elected M.P.'s, 3 are Tribal Buddhists from the Chittagong Hill Tracts and 5 are Hindus. The rest are Bengali Muslims. The Jamaat-i-Islami, the country's largest Islamic political party, had 18 seats in Parliament after the 1991 elections, but only 3 after the 1996 elections.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government generally permits human rights groups to conduct their activities. A wide variety of groups publish reports, hold press conferences, and issue appeals to the Government with regard to specific cases. While human rights groups often are sharply critical of the Government, irrespective of the ruling party, they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In the past, the Government has consulted with human rights groups on some draft legislation and taken their views into account. In January after discussions between the Government and some women's rights groups and NGO's, Parliament passed the Women and Children Repression Prevention Act. However, the Government continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration, a voluntary organization cannot receive funding from abroad.

The Government is defensive about international criticism regarding human rights issues. However, the Government has been open to dialog with international organizations and foreign diplomatic missions regarding issues such as trafficking in women and children. Legislation to establish a National Human Rights Commission remained in abeyance for yet another year. Earlier the Government formed a cabinet subcommittee to review the draft legislation.

In the past, the Government has put pressure on individual human rights advocates, including by filing charges that are known to be false. Such pressure also has included long delays in issuing re-entry visas for international human rights activists. Missionaries who advocate human rights have faced similar problems.

In the past, human rights organizations have reported that the Government has put pressure on them usually in the form of harassment by the intelligence agencies and threats from activists of the ruling party.

During the year, the Government acceded to the U.N. International Covenant on Civil and Political Rights.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that "all citizens are equal before the law and are entitled to equal protection by the law." However, in practice the Government does not enforce strongly laws aimed at eliminating discrimination. In this context, women, children, minority groups, and the disabled often confront social and economic disadvantages.

*Women.*—Violence against women is difficult to quantify because of unreliable statistics, but recent reports indicated that domestic violence is widespread. A report released by the U.N. Population Fund in September asserted that 47 percent of adult women report physical abuse by their male partner. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women.

Much of the violence against women is related to disputes over dowries. According to a human rights group, there were 81 dowry-related killings during the year. Human rights groups and press reports indicate that incidents of vigilantism against women—sometimes led by religious leaders—at times occur, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses. Assailants who fling acid in their faces disfigure numerous women. One human rights organization reported that 181 women suffered acid attacks during the year. The most common motivation for acid-throwing attacks against women is revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove. Some arrests have been made, and one person has been given the death sentence.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. A total of 3,516 rapes and 3,523 incidents of spousal abuses were officially reported during the year. Of the spousal abuse cases, 2,814 were related to disputes over dowry. Of the 2,130 alleged rapists that were prosecuted, 63 persons were convicted. The Government reports that other rape cases are under trial. During the year, the Government acceded to the U.N. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. The Government also has enacted laws specifically prohibiting certain forms of discrimination against women, including the Anti-Dowry Prohibition Act of 1980, the Cruelty to Women Law of 1983, and the Women and Children Repression Prevention Act of 1995, which was replaced by the Women and Children Repression Prevention Act of 2000 (see Section 1.d.). However, enforcement of these laws is weak, especially in rural areas, and the Government seldom prosecutes those cases that are filed. According to a human rights organization, there are 7 government-run and 13 privately-run large shelter homes available for use by women who are victims of violence. Some smaller homes also are available for victims of violence. However, these are insufficient to meet victims' shelter needs. As a result, the Government often holds women who file rape complaints in safe custody, usually in prison. Safe custody frequently results in further abuses against victims, discouraging the filing of complaints by other women, and often continues for extended periods during which women often are unable to gain release (see Sections 1.c. and 1.d.).

There is extensive trafficking in women for the purpose of forced prostitution within the country and to other countries in Asia (see Section 6.f.).

For the most part, women remain in a subordinate position in society, and the Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 26 percent for women, compared with 49 percent for men. In recent years, female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women often are ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, and strong social stigmas and lack of economic means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGO's operate programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights.

Under the 1961 Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right rarely is exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally apply only to registered marriages. Marriages in rural areas often are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this rarely is enforced.

Employment opportunities have been stronger for women than for men in the last decade, which largely is due to the growth of the export garment industry in Dhaka and Chittagong. Eighty percent of the 1.4 million garment sector workers are women. Programs extending micro-credit to large numbers of rural women also have contributed to greater economic power for them. However, women still fill only a small fraction of other wageearning jobs. According to a report by the Public Administration Reforms Commission publicized in October, women hold only 12 percent of government jobs, and only 2 percent of senior positions. The Government's policy to include more women in government jobs only has had limited effect. In recent years, about 15 percent of all recruits into government service have been women.

The garment and shrimp processing industries are the highest employers of female laborers. Forty-three percent of women work in the agriculture, fisheries, and livestock sectors, but 70 percent of them are unpaid family laborers. Many women work as manual laborers on construction projects as well, and constitute nearly 25 percent of all manufacturing workers. Women also are found in the electronics, food processing, beverage, and handicraft industries.

*Children.*—The Government undertakes programs in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGO's. While much remains to be done, these joint efforts have allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than half of all children are chronically malnourished. For example, the Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provides primary education to more than 1.2 million children. In cooperation with the NonFormal Education Directorate of the Government and some NGO partners, UNICEF is implementing a program to provide education to 350,000 (primarily working) children in urban slum areas around the country. In addition the ILO has undertaken education/social welfare programs for more than 50,000 children (see Section 6.d.). The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but stated that it lacked the resources to implement the law fully. According to Education Ministry figures, approximately 81 percent of children between the ages of 6 and 10 years are enrolled in school, including 83 percent of girls. Attendance rates drop steadily with age; according to the Government, about 70 percent of all children complete grade 5. To reach the maximum number of children with limited facilities, most schools have two shifts. As a result, most children in grades one and two spend 2.5 hours a day in school; children in grades 3 to 5 are in school for 4 hours. The Government provides incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives have been effective in increasing the number of girls in school.

Because of widespread poverty, many children are compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service (children who work in domestic service may work in conditions that resemble servitude) and prostitution (see Section 6.c.); this labor-related child abuse occurs commonly at all levels of society and throughout the country (see Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking for prostitution continue to be serious and widespread problems. There is extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of forced prostitution (see Section 6.f.). UNICEF has estimated that there are about 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels. There were credible reports that police facilitated or were involved in trafficking in of women and children (see Sections 1.c., 6.c., and 6.f.). The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution.

During the year, the Government acceded to the U.N. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and to the U.N. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

*People with Disabilities.*—The law provides for equal treatment and freedom from discrimination for the disabled; however, in practice, the disabled face social and economic discrimination. The Government has not enacted specific legislation or otherwise mandated accessibility for the disabled. Facilities for treating the mentally ill or the retarded are inadequate. Unless a family has money to pay for private service, a mentally ill person can find little treatment in the country.

*Indigenous People.*—Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord has been in effect for 3 years, and has ended 25 years of insurgency in the CHT, although law and order problems continue. Former insurgent leader Jotirindrio Bodhipriya Larma, alias Shantu Larma, has publicly questioned whether the Peace Accord has been implemented properly, and has urged prompt government action to implement all provisions of the Accord. Confusion continues over the overlapping responsibilities of the various central and local government bodies involved in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers does not yet function effectively in addressing critical land disputes. Tribal leaders also have expressed disappointment at the lack of progress in providing assistance to tribals that left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to Bengali settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bengali inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's population of 1 million persons in 1997. The Shanti-Bahini, a tribal group, had waged a low-level conflict in the CHT from the early 1970's until the signing of the peace agreement with the Government in December 1997. During the periods of violence, all those involved—indigenous tribes, settlers, and security forces—accused each other of human rights violations. The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives, including the chairperson; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families.

Alfred Soren, a leader of the Santal tribe in the northern part of the country, was killed and dozens of others were injured in an August 18 attack. According to one human rights organization, the perpetrators of the attack were Bengalis who were angry with the tribals over a land dispute. Ninety persons were charged for involvement in the attack, but only four were arrested by year's end. Court proceedings were scheduled to begin at the end of January 2001.

Tribal people in other areas also have reported problems of loss of land to Bengali Muslims through questionable legal practices and other means. The Garos of the Modhupur forest region in the north-central part of the country continue to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment by surrounding Bengali communities. The pressure on the Garo community has resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of an already small community estimated at only 16,000 persons. The Government had indicated in 1995 that it would establish a national park of 400 acres in the Mymensingh district. Part of the land would be taken from the Garo tribals. Action still is pending on that proposal. The Government has not ruled out moving the tribals from the land.

*Religious Minorities.*—Hindus, Christians, and Buddhists constitute about 12 percent of the population.

Local thugs and gang leaders sometimes attack religious minorities, perceiving them to be weak and vulnerable. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of these attacks. The Ahmadiyas, whom many mainstream Muslims consider heretical, have been the target of continued attacks and harassment. In March neighboring Muslims attacked and damaged 40 houses belonging to Ahmadiyas at Krora and Nasirabad (Brahmanbaria district); they also captured a local Ahmadiya mosque. The mosque was returned to the Ahmadiyas after a month-long negotiation. In 1999 in Kushtia mainstream Muslims captured another Ahmadiya mosque, which remains under police control, preventing Ahmadiyas from worshipping. In November 1999, Sunni Muslims ransacked an Ahmadiya mosque in the western part of the country. In October 1999, a bomb killed 6 Ahmadiyas and injured more than 40 others who were attending Friday prayers at their mosque in Khulna; the case remained unresolved at year's end.

Religious minorities are disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the government services often lack minority group representation.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947, when many Hindus fled, and again in 1971 when Bangladesh achieved independence, and many Hindus lost land holdings because of anti-Hindu discrimination in the application of the law. Prior to its 1996 election victory, the Awami League promised to repeal the Vested Property Act, the law used to deprive Hindus

of their property. On September 4, the Cabinet decided in principle to return vested property to its original owners and formed a subcommittee to draft a law to this effect. At year's end, the draft was awaiting cabinet approval. In past years, there have been cases of violence directed against religious minority communities that also have resulted in the loss of property. The last such major incidents occurred in 1992, although there also were some minor incidents of this type during the period surrounding the 1996 elections. Such intercommunal violence reportedly has caused some religious minority members to depart the country.

Feminist author Taslima Nasreen left the country in January 1999, due to concerns about her personal security. She lives abroad in self-imposed exile (see Section 2.a.). The Government banned her latest book in 1999 for fear of offending the country's Muslim community.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to join unions and—with government approval—the right to form a union. Approximately 1.8 million of the country's 5 million workers in the formal sector belong to unions, most of which are affiliated with the various political parties. (The total work force is approximately 58 million persons.) There is a large unreported informal sector, for which no reliable labor statistics exist.

For a union to obtain and maintain its registration, 30 percent workplace participation is required. Moreover, would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricts workers' freedom to organize, and the ILO has requested the Government to amend the 30 percent provision on the same grounds. The ILO also has requested the Government to amend legislative provisions that bar registration of a union that is composed of workers from different workplaces owned by different employers. About 15 percent of the approximately 5,450 labor unions are affiliated with 25 officially registered National Trade Union (NTU) centers. There also are several unregistered NTU's.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who are forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, that is, providing for members' welfare, offering legal services, and airing grievances. However, collective bargaining is prohibited. Some workers have formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries. The Government banned trade union activity in the Bangladesh Bank, the country's central bank, in early 1998. The ban followed an incident in which some labor unionists affiliated with the ruling party's trade union assaulted a senior bank official, after which there were clashes between members of rival unions. In September numerous associations of private school teachers went on strike, demanding that the Government, which pays private school teachers 80 percent of their basic salary, pay 100 percent of it. The strikes ended after several weeks when the Government agreed to raise its part of the payment to 90 percent. In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors were on unjustified grounds. The Ministry of Labor contends that these cases lacked the necessary documentation.

The right to strike is not recognized specifically in the law, but strikes are a common form of workers' protest. In addition political opposition parties use general strikes to pressure the Government to meet political demands (see Section 2.b.). Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but frequently occur, with varying government responses. Wildcat strikes in the transportation sector are particularly common.

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. During the year, the Government applied this ban against employees of the Power Development Board. In the past, the Government has applied this ban to national airline pilots, water supply workers, shipping employees, and electricity supply workers. The ban may be renewed for 3-month-periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court. Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance of 1969. Work-

ers have the right to strike in the event of a failure to settle. If a strike lasts 30 days or longer, the Government may prohibit the strike and refer the dispute to the Labor Court for adjudication. This has not happened since 1993. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time if it is considered prejudicial to the national interest or if it involves a public utility service.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide general strikes (hartals) or transportation blockades by unions is considered a criminal rather than a political act and thus is forbidden.

While unions are not part of the government structure, they are highly politicized, and are strongest in state-owned enterprises and in institutions like the government-run port in Chittagong. Virtually all the NTU centers are affiliated with political parties, including the ruling party and the major opposition parties. Some unions are militant and engage in intimidation and vandalism. Illegal blockades of public transportation routes by strikers frequently occurred during the year. Pitched battles between members of rival labor unions regularly occurred. Fighting often is over the control of rackets or extortion payoffs and typically involves knives, guns, and homemade bombs.

Workers are eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have been taken during the year.

There are provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions is uneven. In past illegal work actions, such as transportation blockades, police officers have arrested union members under the SPA or regular criminal codes.

There are no restrictions on affiliation with international labor organizations, and unions and federations maintain a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year. In addition in April 1999, immigration officials at the airport in Dhaka prevented 11 members of the Bangladesh Independent Garment Workers Union Federation (BIGUF) from departing the country to participate in an AFL-CIO-organized study tour in the Philippines, citing a requirement for government clearance. In October the Ministry of Labor issued the clearance, but it was too late for the BIGUF representatives to participate in the study tour.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining by workers is legal on the condition that they be represented by unions legally registered as collective bargaining agents by the Registrar of Trade Unions. Labor unions are affiliated with the various political parties; therefore, each industry generally has more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurs on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but, because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally does not occur. The International Confederation of Free Trade Unions (ICFTU) has criticized the country for what it views as legal impediments which hamper such bargaining.

Public sector workers' pay levels and other benefits are set by the National Pay and Wages Commission, whose recommendations are binding and may not be disputed except on the issue of implementation.

The Registrar of Trade Unions has wide powers to interfere in internal union affairs. He has the authority to enter union premises and inspect documents; however, there were no reports during the year that the Registrar of Trade Unions had abused these powers.

Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks' salary). In practice private sector employers usually discourage any union activity, sometimes working in collaboration with local police. The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court has ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness is hampered by a serious case backlog, and in the past there have been allegations that employers have corrupted some of its deliberations.

In 1998 Zafrul Hassan, the General Secretary of the Bangladesh Jatiyatabadi Sramik Dal (BJS), filed a complaint that 76 persons, most of whom were active union leaders, were discriminated against through transfers and harassment by the Bangladesh Water Board. This case had not been resolved by year's end.

In June 1999, the ILO received a complaint from the Bangladesh Agricultural Farm Labor Federation that the Government had not introduced legislation that would extend the protections of the Industrial Relations Ordinance to a greater number of agricultural workers. In July the ILO sponsored a seminar where this issue was raised to create awareness about agricultural laborers. Officials from various ministries, including the Ministry of Labor, attended. Farm laborers, such as those employed in the aquaculture sector (shrimp hatchery, harvesting and processing) are covered by the labor law and can form trade unions. However, most agricultural laborers are migrant workers, and thus are not employed by any particular individual or group. The Government had not taken steps to extend labor laws to cover these migrant workers.

The country's two EPZ's are exempted from the application of the Employment of Labor (Standing Orders) Act of 1965, the Industrial Relations Ordinance of 1969, and the Factories Act of 1965. Among other provisions, these laws establish the freedom of association and the right to bargain collectively, and set forth wage and hour and occupational safety and health standards. While substitutes for some of the provisions of these laws have been implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZ's have skirted prohibitions on forming unions by setting up associations. The Government has not implemented its 1992 commitment to end restrictions on freedom of association and formation of unions by 1997, and to apply all sections of labor law in the EPZ's by 2000. No collective bargaining occurs in the EPZ's. However, on December 12, the Government agreed to allow full freedom of association in the EPZ's by January 2004. Approximately 93,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries. During the year, the EPZ's experienced several strikes, some of which turned violent. In one case, four workers were killed when the police stormed a factory that had been taken over by the disgruntled workers. During the incident, police shot and killed two persons; two others later died from stab wounds sustained in the violence. The workers were angered by a 15 percent cut in piece rates and the subsequent firing of 33 workers who had joined in protests against the pay-cut (see Sections 1.a. and 1.c.).

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act, both passed in 1965, established inspection mechanisms to enforce laws against forced labor; however, these laws are not enforced rigorously, partly because resources for enforcement are scarce. There is no large-scale bonded or forced labor; however, numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. In the past, the Government has brought criminal charges against employers who abuse domestic servants. There is extensive trafficking in both women and children, mainly for purposes of forced prostitution, although in some instances for labor servitude outside of the country (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—There is no law that uniformly prohibits the employment of children, and child labor is a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act of 1965 bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act of 1965 prohibits the employment of children younger than the age of 12 in commercial workplaces. The Employment of Children Act of 1938 prohibits the employment of children under the age of 15 in the railways or in goods handling within ports.

Coverage and enforcement of these rules is inadequate. Because of widespread poverty, many children begin to work at a very young age. According to a 1996 labor force survey by the Government, the country has 6.3 million working children between the ages of 5 and 14 years who work for compensation and are not enrolled in school. Also, children often work alongside other family members in small-scale and subsistence agriculture. Previous UNICEF and ILO surveys indicate that, of children 6 to 17 years of age, 21 percent of boys and 4 percent of girls work in paid employment. Hours usually are long, the pay usually is low, and the conditions sometimes are hazardous. Children drive rickshaws, break bricks at construction

sites, carry fruit, vegetables, and dry goods for shoppers at markets, work at tea stalls, and work as beachcombers in the shrimp industry. Many children work in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes work in hazardous circumstances in the leather industry. Children routinely perform domestic work. Cases of children being abused physically and occasionally killed by the head of the household where they work are reported in the press. In the past, the Government has brought criminal charges against employers who abuse domestic servants. Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Sections 5 and 6.f.). Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, the Government continues to maintain that it does not yet have the resources to implement this law effectively.

Protracted negotiations led to the July 1995 signing of a Memorandum of Understanding (MOU) between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, and the ILO to eliminate child labor in the garment sector. Under the MOU, the garment sector was to become child labor free by October 1996, with former child laborers enrolled in UNICEF-sponsored schools and follow-up inspections of factories by ILO-managed inspection teams. Under the program, former child employees received a small monthly stipend while attending school to help replace their lost income. On June 16, the MOU was renewed for 1 year. Violations of the ban on child labor in the garment export sector dropped slightly from 5 percent as the year progressed to 4.7 percent of the factories inspected. According to ILO inspectors, 90 percent of the factories where violations were found had one to three child laborers, and the remaining ten percent had more. However, a BGMEA arbitration committee, which is tasked with imposing fines on violating factories, functions slowly. The number of children working in nonexport, or nonfactory garment production, is unknown.

The Government did not grant the Ministry of Labor additional resources to enforce its commitment as a member of the South Asian Association for Regional Cooperation to eliminate hazardous child labor by 2000, and to eliminate all child labor by 2010; the existing small corps of labor inspectors continues to be ineffective against all labor problems because of inefficiency and corruption.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF is implementing a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGO's, and some trade unions, ILO/IPEC has 20 action programs, targeting about 6,000 children in hazardous conditions, designed to ensure that children receive an education, rather than removing children from work. In addition ILO has undertaken education/social welfare programs for more than 50,000 children.

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively, and some children work as domestic servants in conditions that resemble labor servitude or are trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.). There were credible reports that police facilitated or were involved in trafficking of women and children.

*e. Acceptable Conditions of Work.*—There is no national minimum wage. Instead the Wage Commission, which convenes every several years, sets wages and benefits industry by industry. In most cases, private sector employers ignore this wage structure. For example, in the garment industry, legal minimum wages are not paid by many factories, and it is common for workers of smaller factories to experience delays in receiving their pay, or to receive "trainee" wages well past the maximum 3 months. The declared minimum monthly wage for a skilled industrial worker is approximately \$63 (3,400 Taka) for a worker in an EPZ and approximately \$49 (2,650 Taka) for a worker outside an EPZ, and is sufficient to provide an individual with a minimal standard of living, but is not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, is allowed. The law is enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act of 1965 nominally sets occupational health and safety standards. The law is comprehensive but largely is ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories are located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. Twelve garment factory workers died on August 27 when they were unable to escape from a factory fire due to locked exits. A Civil Defense Department report cited lack of adequate safety measures as the cause of the fatalities. In addition numerous factories have insufficient toilet facili-

ties (for example, 1 toilet for 300 employees). Workers may resort to legal action for enforcement of the law's provisions, but few cases actually are prosecuted. Enforcement by the Labor Ministry's industrial inspectors is weak, due both to the low number of labor inspectors (100 for about 300,000 covered establishments), and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risk losing their jobs.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons and trafficking is a serious problem. There is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of forced prostitution, although in some instances for labor servitude. Some children also are trafficked to the Middle East to be used as camel jockeys.

Trafficking in women for purposes of prostitution carries a 10 to 20 year sentence or the death penalty. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators are punished. Human rights monitors also credibly report that police and local government officials often ignore trafficking in women and children for prostitution, and easily are bribed to look the other way (see Sections 1.c., 5, and 6.c.). According to one antitrafficking organization, during the year four new trafficking cases were filed, and the trials of two cases filed earlier were concluded. In one case, a trafficker was sentenced to death in absentia; in the second, two individuals were sentenced to life in prison. Exact numbers of those persons arrested for trafficking are difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents.

The exact number of women and children trafficked for purposes of forced prostitution is unknown; however, human rights monitors estimate that more than 20,000 women and children are trafficked from the country for such purposes annually. Most trafficked persons are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside of the country. Seeing no alternative for breaking the cycle of poverty, parents often willingly send their children away. Unwed mothers, orphans, and others outside of the normal family support system also are susceptible. Traffickers living abroad often arrive in a village and "marry" a woman, only to dispose of her upon arrival in the destination country, where women are sold by their new "friends" or "husbands" into bonded labor, menial jobs, or prostitution. Criminal gangs conduct much of the trafficking in and smuggling of persons. The border between Bangladesh and India is loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes is difficult to determine. Prostitution is legal, but only for those persons over 18 years of age with government certification; however, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely are prosecuted, and large numbers of child prostitutes work in brothels.

Children, usually young boys, also are trafficked into the Middle East and the Persian Gulf States to work as camel jockeys. It is estimated that there are anywhere from 100 to over 1,000 underage South Asian camel jockeys currently working in the United Arab Emirates alone; while many come from India and Pakistan, a growing number come from Bangladesh. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (10,000 Taka) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (7,500 Taka) a month from the labor of each child. The usual procedure used for bringing these children into the Middle East is to have their names added to the passport of a Bangladeshi or Indian woman who already has a visa for the Middle East; the children fraudulently are claimed to be her children. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East.

The Government has developed a set of policies and plans regarding the trafficking issue. The Government has been involved in ongoing efforts to engage the South Asian Association for Regional Cooperation (SAARC) on the issue. The Government also frequently sends representatives to conferences, seminars, and workshops on the trafficking problem. In addition the Government has initiated a program across a number of ministries to address the problem. However, government capacity to address with this issue remains limited.

In June the Government signed a 3-year, \$2 million (108 million Taka) project with the Norwegian government aid organization, NORAD, to develop an intraministerial infrastructure for addressing the trafficking problem. This project,

based in the Department of Women and Children's Affairs, plans to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project is for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government does not keep records of births and marriages at the village level, it is very difficult for authorities to detect false claims of marriage or family ties.

The Government has expressed concern about the problem and has worked with NGO's, donor countries, and international organizations against trafficking. Some of these projects include conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provides support for returning trafficking victims, governmentrun shelters generally are inadequate and poorly run. Increasing shelter capacity and rehabilitation programs is one of the features of the NORAD project.

Throughout the country, a variety of NGO's and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform. Among the NGO's that have been active in addressing the problem, the Association for Community Development conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provides legal assistance to trafficking victims, and initiates legal action against traffickers. The BNWLA runs a shelter home for trafficked women and children that provides health care, counseling, and training. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country, conducts awareness meetings, and has a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and the topic receives frequent press coverage. Two umbrella organizations of anti-trafficking NGO's exist, and are seeking to improve coordination and planning of efforts against the problem.

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## BHUTAN

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly and a Council of Ministers; there is no written constitution to protect fundamental political and human rights. Since ascending to the throne in 1972, the King has continued efforts toward social and political modernization begun by his father. In the last few years, Bhutan has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower developments of the role of representatives in governance and decision making. In recent years, Bhutan has adopted some measures to transfer power from the King to the National Assembly. The judiciary is not independent of the King.

Approximately two-thirds of the government-declared population of 600,000 persons is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consists of two principal ethnic and linguistic groups: the Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining third of the population, ethnic Nepalis, most of whom are Hindus, live in the country's southern districts. Bhutanese dissident groups claim that the actual population is between 650,000 and 700,000 persons and that the Government underreports the number of ethnic Nepalese in the country. The rapid growth of this ethnic Nepalese segment of the population led some in the Buddhist majority to fear for the survival of their culture. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests and led to ethnic conflict and repression of ethnic Nepalese in southern districts during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left the country in 1991-92, many of whom were expelled forcibly. According to U.N. High Commission for Refugees (UNHCR), there were 98,269 ethnic Nepalese in 7 refugee camps in eastern Nepal as of late June; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintains that some of those in the camps never were citizens, and therefore have no right to return. In 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts

vacated by the ethnic Nepalese now living in refugee camps in Nepal, which some claim will complicate any future return of the ethnic Nepalese. A National Assembly resolution adopted in 1997 prohibits still-resident immediate family members of ethnic Nepalese refugees from holding jobs with the Government or the armed forces. In early 1998 the Government implemented the resolution, and already had dismissed 429 civil servants by November 1998, when implementation of the resolution was discontinued.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army, including those assigned to the Royal Body Guard, and a national militia, maintain internal security. Some members of these forces committed human rights abuses against ethnic Nepalese.

The economy is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for about half of the gross domestic product (GDP). Agriculture largely consists of subsistence farming and animal husbandry. Cardamon, citrus fruit, and spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Hydroelectric power production potential and tourism are key resources, although the Government limits foreign tourist arrivals because of inadequate tourist infrastructure and environmental concerns. Tourist arrivals also are limited by means of pricing policies. Bhutan is a poor country. The gross national product per capita is estimated to be \$470.

The Government's human rights record remained poor, and problems remain in several areas. The King exercises strong, active, and direct power over the Government. Citizens do not have the right to change their government. The Government discourages political parties, and none operate legally. There were reports that security forces beat ethnic Nepalese refugees who entered the country to demonstrate. Arbitrary arrest and detention remain problems, and reports of torture and abuse of persons in detention continue. Impunity for those who commit abuses also is a problem. Judges serve at the King's pleasure, and the Government limits significantly the right to a fair trial. Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17 century and revised and modernized in 1958 and 1965. In late 1998 the Government formed a special committee of jurists and government officials to review the country's basic law and propose changes. In April the Government established a Department of Legal Affairs, which is projected to be functioning fully by mid-2001; it is a result of the review of the Basic Law. Programs to build a body of written law and to train lawyers are progressing. For example, the Government sends many lawyers to India and other countries for legal training. The Government limits significantly citizens' right to privacy. The Government restricts freedom of speech, the press, assembly, and association. The Government launched the country's first indigenous television service in June 1999, modifying a ban on private television reception that had been in place since 1989. Citizens face significant limitations on freedom of religion. In July 1998, the Government initiated steps to renew negotiations with the Government of Nepal on procedures for the screening and repatriation of ethnic Nepalese in the refugee camps, and the two governments held a series of meetings during the second half of that year. After a 3-year hiatus, ministerial-level bilateral talks resumed in September 1999. The Government restricts worker rights.

The Government claims that it has prosecuted government personnel for unspecified abuses committed in the early 1990's; however, public indications are that it has done little to investigate and prosecute security force officials responsible for torture, rape, and other abuses committed against ethnic Nepalese residents.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no confirmed reports of political or other extrajudicial killings during the year. Human rights groups allege that in 1998 a government official shot and killed Gomchen Karma, a Buddhist monk arrested in October 1997 during a peaceful demonstration in the eastern part of the country. The Government stated that the shooting was accidental, that the official responsible has been suspended from duty and charged in connection with the incident, and that his case was being heard as of September.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and abuse; however, human rights advocates state that in practice security forces ignore these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. There were reports that security forces captured numerous ethnic Nepalese refugees attempting to re-

turn to the country, beat them, and sent them back across the border. Persons holding peaceful marches from India to Bhutan report that in 1998 and 1999, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). In the past, there have been reports that ethnic Nepalese refugees who attempted to return to the country were tortured. Refugee newspapers published in Nepal allege that Nima Gyaltzen, a prisoner detained since 1997 without charge or trial in Zilnon Namgyeling jail in Thimphu, died in 1999 after being subjected to torture during his incarceration.

Refugee groups credibly claim that persons detained as suspected dissidents in the early 1990's were tortured by security forces, who also committed acts of rape. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government denies that these abuses occurred but also claims that it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public, and there is little indication that the Government has investigated adequately or punished any security force officials involved in the widespread abuses of 1989-92.

Prison conditions reportedly are adequate, if austere. In 1993 the International Committee of the Red Cross (ICRC) began a program of visits to prisons in the capital, Thimphu. In 1994 a new prison in Chemgang was opened. Together, these events contributed to a substantial improvement in conditions of detention over those that existed previously. However, Bhutanese human rights groups active outside the country maintain that prison conditions outside of Thimphu remain oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in September 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted two prison visits during the year, as it has done for each of the past 6 years, and received unhindered access to prisons during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remain problems. Under the Police Act of 1979, police may not arrest a person without a warrant and must produce an arrested person before a court within 24 hours of arrest, exclusive of travel time from place of arrest. However, legal protections are incomplete, due to the lack of a fully elaborated criminal procedure code and to deficiencies in police training and practice. Incommunicado detention is known to occur. Incommunicado detention of suspected militants was a serious problem in 1991 and 1992, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991-92, 1,685 persons were ultimately amnestied, 58 are serving sentences after conviction by the High Court, 9 were acquitted by the High Court, and 71 were released after serving prison sentences.

Human rights groups allege that in July and August 1997, the Royal Bhutan Police in and around Samdrup Jongkar town in the east arrested some 50 suspected supporters of a Bhutanese dissident group active outside the country. The Government states that only 16 persons were arrested during this period and that they have been charged with involvement in seditious activities and are awaiting trial. Many were said to be supporters of one-time Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD) leader Rongthong Kunley Dorji, who was arrested in India in April 1997, following the issuance of an extradition request by Bhutanese authorities. Dorji faces extradition proceedings in India and possible return to Bhutan to face charges of fraud, nonpayment of loans, and incitement to violence. The original Bhutanese extradition request included a third charge, "antinational activities," but this later was dropped when it became clear that Indian law would preclude his extradition to face political charges. Human rights groups contend that the charges brought against Dorji are politically motivated and constitute an attempt by the Government to suppress his prodemocracy activities. In June 1998, an Indian court granted Dorji bail, but placed restrictions on his movements. Dorji's extradition case still is pending in the Indian courts. According to an Amnesty International report released in 1999, 30 persons were detained in 1998, most of them on suspicion of being members or supporters of the DNC.

Amnesty International has reported that some of those arrested are feared to be at risk of torture (see Section 1.c.). Bhutanese human rights groups outside the country claim that the arrests, including those of several Buddhist monks, are aimed at imposing Ngalong norms on the eastern, Sharchop community, which has a distinct ethnic and religious identity. The Government denies that it has such a policy; many government officials, including both the former Head of Government,

Foreign Minister Jigme Thinley, and the Chief Justice of the High Court Sonam Tobgye, are Sharchops.

Persons holding peaceful marches from India to Bhutan charge that in 1999, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). By one estimate, approximately 100 marchers were arrested and deported in 1999. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery. It stated that a total of 134 persons were arrested in connection with the October 1997 disturbances in the east; of that number, more than one-half either had been tried and acquitted or had been released after serving short sentences.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991–92, may be political prisoners (see Section 1.e.).

Although the Government does not use formally exile as a form of punishment, many accused political dissidents freed under Government amnesties say that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denies this.

*e. Denial of Fair Public Trial.*—There is no written constitution, and the judiciary is not independent of the King.

The judicial system consists of district courts and a High Court in Thimphu. Judges are appointed by the King on the recommendation of the Chief Justice and may be removed by the King. Village headmen adjudicate minor offenses and administrative matters.

The Department of Legal Affairs, which was established in April, is projected to be fully functional by mid-2001. At a future date, the Government expects to create a Ministry of Law and Justice and an Attorney General's office within the Department of Legal Affairs. At present, the Department is composed of a Legal Services Division (which eventually is to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division (which eventually is to become the Attorney General's office), with a criminal section and a civil section.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17 century and revised in 1958 and 1965. For offenses against the State, state-appointed prosecutors file charges and prosecute cases. In other cases, the relevant organizations and departments of government file charges and conduct the prosecution. Defendants are supposed to be presented with written charges in languages that they understand and given time to prepare their own defense. However, this practice is not always followed, according to some political dissidents. In cases where defendants cannot write their own defense, courts assign judicial officers to assist defendants. There were reports that defendants receive legal representation at trial, and that they may choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it is not known how many defendants actually receive such assistance. A legal education program gradually is building a body of persons who have received formal training in the law abroad. Village headmen, who have the power to arbitrate disputes, make up the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, can review their decisions. Magistrates' decisions can be appealed to district judges, of which there is 1 for each of the country's 20 districts. The High Court in Thimphu is the country's supreme court. Its decisions can be appealed to the King.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegates the decision to the Royal Advisory Council. Trials are to be conducted in open hearings; however, there are allegations that this is not always the case in practice.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese; however, the Government states that there is one formal law that governs these matters.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991–92, may be political prisoners (see Section 1.d.).

On December 17, 1999, the King pardoned 200 prisoners to mark National Day; all reportedly were released. Among them were 40 persons convicted of "antinational" offenses, including prominent ethnic Nepalese dissident and internationally recognized political prisoner Tek Nath Rizal. Tek Nath Rizal was arrested in 1988 in Nepal and extradited to Bhutan, where he was held in solitary confinement in Wangdiphodrang military prison until his 1992 conviction for

antinational crimes, including writing and distributing political pamphlets and attending political meetings. He was convicted under the 1993 National Security Act, although at the time of his conviction the act had not yet been passed. However, a U.N. Human Rights Commission Working Group on Arbitrary Detention that visited the country in 1994 at the Government's invitation determined that Rizal had received a fair trial and declared his detention "not to be arbitrary." During the latter part of the year, Rizal was granted permission to leave Bhutan to receive medical treatment in Calcutta, India. He had not left Bhutan by year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—There are no laws providing for these rights. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or government offices, and in schools and when attending official functions and public ceremonies. According to human rights groups, police regularly conduct house-to-house searches for suspected dissidents without explanation or legal justification.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Government restricts freedom of speech and of the press.

The country's only regular publication is Kuensel, a government-run weekly newspaper with a circulation of 10,000. Human rights groups state that government ministries regularly review editorial material and have the power to suppress or change content, which they regularly do. They allege that the board of directors nominally responsible for editorial policy is appointed by and can be removed by the Government. Kuensel, which publishes simultaneous editions in the English, Dzongkha, and Nepali languages, supports the Government but does occasionally report criticism of the King and Government policies in the National Assembly. Nepalese, Indian, and other foreign newspapers are available, but they sometimes can be withheld from circulation if they carry news that the Government deems critical of the country.

In 1989 the Government banned all private television reception and ordered that television antennas and satellite dishes be dismantled. Many homes in Paro and Thimphu nonetheless have satellite dishes and receive signals from international broadcasters. In June 1999, the Government introduced locally produced television service with the inauguration of the Bhutan Broadcasting Service. The service broadcasts 4 hours of programming daily: 2 hours of locally produced programming in Dzongkha, and 2 hours of English-language programming produced outside of the country (such as from the British Broadcasting Corporation (BBC) and the Cable News Network (CNN)). In late 1999 the Government began licensing cable operators to provide service in Thimphu and Paro, and cable television is available. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Sharchop). The Government inaugurated the country's first Internet service provider, Druknet, in June 1999.

English is the medium of instruction in schools and the national language, Dzongkha, is taught as a second language. The teaching of Nepali as a second language was discontinued in 1990.

*b. Freedom of Peaceful Assembly and Association.*—The Government restricts freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. Although the Government allows civic and business organizations, there are no legally recognized political parties. The Government regards parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP) and the Bhutan National Democratic Party (BNDP)—as well as the Druk National Congress—as "terrorist and antinational" organizations and has declared them illegal. These parties do not conduct activities inside the country. They seek the repatriation of refugees and democratic reform.

*c. Freedom of Religion.*—The Government limits freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. About two-thirds of the population practice either Drukpa Kagyupa or Ningmapa Buddhism. The Drukpa branch is practiced predominantly in the western and central parts of the country, which are inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Ningmapa school is practiced predominantly in the eastern part of the country, although there are adherents in other areas, including the royal family. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to about one-third of the Kingdom's 12,000 monks. The Government also provides financial assistance for the construction of

Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch enjoys statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150 member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council), and the Drukpa branch is an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Under the law, conversions are illegal.

The King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests are active in education and humanitarian activities. According to dissidents living outside of the country, the Government restricts the import into the country of printed religious matter; only Buddhist religious texts are allowed to enter. These dissidents also state that Buddhist religious teaching, of both the Drukpa Kagyupa and Ningmapa sects, is permitted in schools; the teaching of other religious faiths is not. The passports of members of minority religions cite the holder's religion, and applicants for government services sometimes are asked their religion before services are rendered.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty, citizens may reside and work in India.

Bhutan is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (See Section 5 regarding the ethnic Nepalese refugee situation).

The Government states that it recognizes the right to asylum in accordance with international refugee law; however, it has no official policy regarding refugees, asylum, first asylum, or the return of refugees to countries in which they fear persecution. According to one credible human rights source, until recent years the Government systematically used to arrest and imprison Tibetan refugees crossing the country's border from Tibet. This policy was followed in deference to China's wishes. So invariable was this policy that Tibetan leaders advise refugees not to use routes of escape through Bhutan. Tibetan refugees have not done so for several years. This virtually is the only refugee population seeking first asylum in Bhutan, thus, the issue of first asylum did not arise during the year.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens do not have the right to change their government. Bhutan is a monarchy with sovereign power vested in the King. In June 1998, the King introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his Government. The National Assembly elected a new Council of Ministers and Government in July 1998 to a 5-year term. There are elected or partially elected assemblies at the local, district, and national levels, and the Government claims to encourage decentralization and citizen participation. These elections are conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers who the King appoints, but it never has done so. Political authority ultimately resides in the King and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally, and the Government discourages their formation as unnecessarily divisive. The Government prohibits parties established abroad by ethnic Nepalese (see Section 2.b.).

The National Assembly, established in 1953, has 150 members. Of these, 105 are elected indirectly by heads of household, 10 are selected by a part of the Buddhist clergy, and the remaining 35 are appointed by the King to represent the Government. The National Assembly, which meets irregularly, has little independent authority. However, there are efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns.

The procedures for the nomination and election of National Assembly members are set out in an amendment to the country's Basic Law proposed by the King and adopted by the 73 session of the National Assembly in 1995. It provides that in

order to be eligible for nomination as a candidate for election to the National Assembly, a person must be a citizen of Bhutan, be at least 25 years of age, not be married to a foreign national, not have been terminated or compulsorily retired for misconduct from government service, not have committed any act of treason against the King, the populace, and country, have no criminal record or any criminal case pending against him, have respect for the nation's laws, and be able to read and write in Dzongkha (the language, having different dialects in the eastern and western areas of the country, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village is permitted to nominate one candidate but must do so by consensus. There is no provision for selfnomination and the law states that no person...may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election is conducted by the district development committee, and the candidate obtaining a simple majority of votes cast is declared the winner. Individuals do not have the right to vote; every family in a village is entitled to one vote in elections. The law does not make clear how a candidate is selected if none achieves a simple majority. However, it does state that in case of a tie among the candidates in the election, a selection shall be made through the drawing of lots. The candidate whose name is drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative is when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central Government. Consensus approval takes place at a public gathering. Human rights activists state that there is no secret ballot.

The Assembly enacts laws, approves senior government appointments, and advises the King on matters of national importance. Voting is by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejects the King's recommendations or delays implementing them, but in general, the King has enough influence to persuade the Assembly to approve legislation that he considers essential or to withdraw proposals he opposes. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission is responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes including embezzlement.

In June 1998, the King issued a decree setting out several measures intended to increase the role of the National Assembly in the formation and dissolution of his Government. The decree, later adopted by the 76 session of the National Assembly, provided that all cabinet ministers are to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries were to be spelled out. Each cabinet minister is to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King is to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King is to determine the portfolios of his ministers, whose terms will be limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally, the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next in the line of succession. After adopting the decree, the National Assembly elected a new cabinet of ministers consistent with the decree. Human rights groups maintain that since only the King may nominate candidates for cabinet office, their election by the National Assembly is not a significant democratic reform. The King also removed himself as Chairman of the Cabinet of Ministers in 1998; Foreign Minister Jigme Thinley was elected to that position by the National Assembly for 1 year, and was replaced by Minister for Health and Education Sangay Ngedup in July 1999.

Women are underrepresented in government and politics, although they have made small but visible gains. Three women hold seats in the National Assembly.

All major ethnic groups, including ethnic Nepalese, are represented in the National Assembly. There are 16 "southern Bhutanese" (also known as Lhotshampas) in the National Assembly.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no legal human rights nongovernmental organizations (NGO's) in the country. The Government regards human rights groups established by ethnic Nepalese exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists—Bhutan—as political organizations and does not permit them to operate in the country. Amnesty International visited Bhutan in 1992 to investigate and to report on the alleged abuse of ethnic Nepalese. In late November 1998, Amnesty International again sent a delegation to the country and later released a report.

ICRC representatives continue twice yearly prison visits, and the Government has allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention made a second visit to the country in May 1996 as a follow-up to an October 1994 visit. In addition to meetings with government officials, members of the working group visited prisons and interviewed prisoners in Thimphu, Phuntsoling, and Samtse.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restrict cultural expression by other ethnic groups. In the late 1980's and early 1990's, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of ethnic Nepalese from the country; many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claims that ethnic and gender discrimination in employment is not a problem. It claims that ethnic Nepalese fill 22 percent of government jobs, which is slightly less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up about 35 percent of the country's population and that the Government under-reports their number. Women are accorded respect in the traditions of most ethnic groups; however, persistence of traditional gender roles apparently accounts for the low proportion of women in government employment. Exile groups claim that ethnic and gender discrimination is a problem.

*Women.*—There is no evidence that rape or spousal abuse are extensive problems. However, there are credible reports by refugees and human rights groups that security forces raped large numbers of ethnic Nepalese women in the southern area of the country in 1991 and 1992. According to Amnesty International, some women reportedly have died as a result. In one independent survey of 1,779 refugee families, 26 percent of the respondents cited rape, fear of rape, or threat of rape as a prime reason for their departure from the country. The Government has denied these reports.

Rape was made a criminal offense in 1953, but that law had weak penalties and was enforced poorly. In 1993 the National Assembly adopted a revised rape act with clear definitions of criminal sexual assault and stronger penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school is female, and 16 percent of civil service employees are women. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowry is not practiced, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women among owners of shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women increasingly are found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men.

Polygamy is sanctioned provided the first wife gives her permission. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce is common. Recent legislation requires that all marriages must be registered; it also favors women in matters of alimony.

*Children.*—The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, health-care facilities, and immunization programs. The mortality rates for both infants and children under 5 years have dropped significantly since 1989. The Government provides free and compulsory primary school education, and primary school enrollment has increased at 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. In 1995 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed today. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. Amnesty International reported that at least 23 students, between 7 and 21 years of age, whose relatives had been arrested for supporting the prodemocracy movement, were expelled from school in eastern Bhutan in 1998. Amnesty International also reported that 19-year-old Needup Phuntso was expelled from school in March 1998 and was tortured by members of the Royal Bhutanese police after his arrest in Thimphu in July 1998.

A study by UNICEF found that boys and girls receive equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes. Government policies aimed at increasing enrollment of girls have increased the proportion of girls in primary schools from 39 percent in 1990 to 43 percent in 1995.

There is no societal pattern of abuse against children.

*People with Disabilities.*—There is no evidence of official discrimination toward disabled persons but the Government has not passed legislation mandating accessibility for the disabled. Societal discrimination against the disabled is a problem.

*National/Racial/Ethnic Minorities.*—Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. In the late 1980's, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds in the south.

Beginning in 1989, more discriminatory measures were introduced, aimed at shaping a new national identity, known as Drukpa. Drukpa is based on the customs of the non-ethnic Nepalese Ngalong ethnic group predominant in the western part of the country. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language (English is the language of instruction in all schools). Also, beginning in 1988, the Government refused to renew the contracts of tens of thousands of Nepalese guest workers. Many of these workers had resided in the country for years, in some cases with their families.

During the mid- and late 1980's, citizenship became a highly contentious issue. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, in 1985 a new citizenship law significantly tightened requirements for citizenship and resulted in the denaturalization of many ethnic Nepalese. While citizenship previously was conferred upon children whose father was a citizen under the 1958 law, the 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency nearly 30 years before. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants.

The 1985 Citizenship Act also provides for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry, in a circular notification in 1990, advised that "any Bhutanese nationals leaving the

country to assist and help the antinationals shall no longer be considered as Bhutanese citizens . . . such people's family members living in the same household will also be held fully responsible and forfeit their citizenship." Human rights groups allege that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

Outraged by what they saw as a campaign of repression, ethnic Nepalese mounted a series of demonstrations, sometimes violent, in September 1990. The protests were spearheaded by the newly formed Bhutan People's Party, which demanded full citizenship rights for ethnic Nepalese, the reintroduction of Nepali as a medium of education in the south, and democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. Many ethnic Nepalese schools reportedly were turned into Army barracks. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings. Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate.

Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many were expelled forcibly. According to Amnesty International, entire villages sometimes were evicted en masse in retaliation for an attack on a local government official. Many ethnic Nepalese were forced to sign "voluntary migration forms" wherein they agreed to leave the country, after local officials threatened to fine or imprison them for failing to comply. By August 1991, according to NGO reports, 2,500 refugees already were camped illegally in Nepal, with a steady stream still coming from Bhutan. The UNHCR began providing food and shelter in September of that year, and by year's end, there were 6,000 refugees in Nepal. The number of registered refugees grew to approximately 62,000 by August 1992, and to approximately 80,000 by June 1993, when the UNHCR began individual screening of refugees. The flow slowed considerably thereafter; there were no new refugee arrivals from Bhutan to the camps during the year. According to UNHCR, there were 98,269 ethnic Nepalese refugees in 7 refugee camps in eastern Nepal, as of June 30. Much of this increase since 1993 is the result of births to residents of the camps. An additional 15,000 refugees, according to UNHCR estimates, are living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of Bhutan. They also complain that the new laws have been applied selectively and make unfair demands for documentation on a largely illiterate group in a country that only recently has adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in the country for generations were expelled in the early 1990's because they were unable to document their claims to residence. The Government denies this and asserts that a threemember village committee—typically ethnic Nepalese in southern districts—certifies in writing that a resident is a Bhutanese citizen in cases where documents cannot be produced.

The Government maintains that many of those who departed the country in 1991–92 were Nepalese or Indian citizens who came to the country after the enactment of the 1958 Citizenship law but were not detected until a census in 1988. The Government also claims that many persons registered in the camps as refugees may never have resided in the country. A royal decree in 1991 made forcible expulsion of a citizen a criminal offense. In a January 1992 edict, the King noted reports that officials had been forcing Bhutanese nationals to leave the country but stressed that this was a serious and punishable violation of law. Nevertheless, only three officials ever were punished for abusing their authority during this period (see Section 1.c.). According to the UNHCR, the overwhelming majority of refugees who have entered the camps since screening began in June 1993 have documentary proof of Bhutanese nationality. Random checks and surveys of camp residents—including both pre- and post-June 1993 arrivals—bear this out. The Government contends that some ethnic Nepalese left the country voluntarily, thus renouncing their Bhutanese citizenship. However, human rights organizations credibly dispute this claim.

A Nepal-Bhutan ministerial committee met seven times between 1994 and 1996, and a secretarial-level committee met twice in 1997 in efforts to resolve the Bhutanese refugee problem. In 1998 Foreign Minister Jigme Thinley took office with a mandate to resolve the refugee issue, and several meetings were held with rep-

representatives of the Nepalese Government, the UNHCR, and NGO's. However, the dialog lost momentum in 1998 and was suspended by the Bhutanese Government pending the formation of a new government in Nepal in 1999. After a 3-year hiatus, the foreign ministers of Nepal and Bhutan met in September 1999 in Kathmandu to resume discussions on the refugee issue. Bilateral and multilateral discussions have continued, including a ninth round of ministerial level talks held in May. During the year, U.N. High Commissioner for Refugees Sadako Ogata visited the country, as did at least one high-ranking foreign official. In late December, Bhutan and Nepal agreed upon a system to verify the nationality of Bhutanese refugees in Nepal in preparation for their return to Bhutan. Refugee verifications were scheduled to begin in January 2001. At year's end, approximately 98,000 Bhutanese refugees remained in Nepal. The resettlement of persons onto the land once occupied by refugees continues to represent an obstacle to a negotiated resolution of the refugee problem.

In March 1996, refugees began a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. Bhutanese police immediately detained and deported the marchers who crossed into Bhutan in August, November, and December 1996. In the December 1996 incident, police reportedly used force against the marchers. Such marches also were held in 1998 and 1999; the marchers charge that the police assaulted them during each march, injuring several demonstrators, and then arrested and deported all marchers. A resolution adopted by the National Assembly in July 1997 prohibits the still-resident family members of ethnic Nepalese refugees from holding jobs with the Government or in the armed forces. Under the resolution, those holding such jobs were to be retired involuntarily. The Government made clear that for the purposes of this resolution, a family member would be defined as a parent, a child, a sibling, or a member of the same household. The Government states that 429 civil servants, many of them ethnic Nepalese, were retired compulsorily in accordance with the July 1997 National Assembly resolution, and that the program was terminated in November. The Government states that those forced to retire were accorded retirement benefits in proportion to their years of government service. The Government also began a program of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese now living in refugee camps in Nepal. Human rights groups maintain that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintains that this is not its first resettlement program and that Bhutanese citizens who are ethnic Nepalese from the south sometimes are resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Trade unions are not permitted, and there are no labor unions. Workers do not have the right to strike, and the Government is not a member of the International Labor Organization.

*b. The Right to Organize and Bargain Collectively.*—There is no collective bargaining in industry. Industry accounts for about 25 percent of the GDP, but employs only a minute fraction of the total work force. The Government affects wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Government abolished its system of compulsory labor taxes in December 1995. Laborers in rural development schemes previously paid through this system now are paid regular wages. There is no evidence to suggest that domestic workers are subjected to coerced or bonded labor. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law sets the minimum age for employment at 18 years for citizens and 20 years for non-citizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with road-building teams. The Government provides free and compulsory primary school education, and 72 percent of the school-aged population is enrolled (see Section 5). Children often do agricultural work and chores on family farms. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed today. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas

to obtain a primary education. In the early 1990's, children who failed their school examinations were compelled to join the armed forces (despite the fact that the minimum age of recruitment is age 18). This practice of conscription has ended. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—A circular effective in February 1994 established wage rates, rules and regulations for labor recruiting agencies, and regulations for payment of workmen's compensation. Wage rates are revised periodically, and range upward from a minimum of roughly \$1.50 (50 ngultrums) per day for unskilled and skilled laborers, with various allowances paid in cash or kind in addition. This minimum wage provides a decent standard of living for a worker and family in the local context. The workday is defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force is the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases since then, including a 25 percent increase in July 1997. Only about 30 industrial plants employ more than 50 workers. Smaller industrial units include 69 plants of medium size, 197 small units, 692 "mini" units, and 651 cottage industry units. The Government favors a family-owned farm policy; this, along with the country's rugged geography, and land laws that prohibit a farmer from selling his last 5 acres and that require the sale of holdings in excess of 25 acres, result in a predominantly self-employed agricultural work force. Workers are entitled to free medical care within the country. They are eligible for compensation for partial or total disability, and in the event of death, their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country.

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## INDIA

India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) led a 17-party coalition, took office in October 1999 and heads the Government. President K.R. Narayanan, who was elected by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. The judiciary is independent.

Although the 28 state governments have primary responsibility for maintaining law and order, the central Government provides guidance and support through the use of paramilitary forces throughout the country. The Union Ministry for Home Affairs controls most of the paramilitary forces, the internal intelligence bureaus, and the nationwide police service; it provides training for senior police officers for the stateorganized police forces. The armed forces are under civilian control. Security forces committed numerous significant human rights abuses, particularly in Jammu and Kashmir and in the northeastern states.

The country is in transition from a government-controlled economy to one that largely is market oriented. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industry. Economic liberalization and structural reforms begun in 1991 continue, although momentum has slowed. The country's economic problems are compounded by population growth of 1.7 percent annually with a current population of more than 1 billion. Income distribution remained very unequal, with the top 20 percent of the population receiving 39.3 percent of national income and the bottom 20 percent receiving 9.2 percent. Twenty percent of the urban population and 30 percent of the rural population live below the poverty level.

The Government generally respected the human rights of its citizens in some areas; however, numerous serious problems remain, despite extensive constitutional and statutory safeguards. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the north-

east; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; female bondage and forced prostitution; child prostitution and infanticide; discrimination against the disabled; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; societal violence against Christians and Muslims; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.

Many of these abuses are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the Government's heavy-handed counterinsurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. The number of insurgency-related killings in Jammu and Kashmir and the northeast by regular security forces increased from the previous year. In the northeast there was no clear decrease in the number of killings, despite negotiated ceasefires between the Government and some insurgent forces, and between some tribal groups.

The concerted campaign of execution-style killings of civilians by Kashmiri militant groups, begun in 1998, continued, and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious abuses, including killing of armed forces personnel, police, government officials, and civilians; torture; rape; and brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and the northeastern states.

In July one of the largest Kashmiri militant groups announced a unilateral ceasefire in Jammu and Kashmir and offered to open a dialog with the Government. The Government responded by instructing its military forces to reciprocate the ceasefire, accepting the offer of dialog, and beginning talks. The ceasefire and talks ended abruptly in August when the militants demanded the start of tripartite talks between themselves, the Government of India, and the Government of Pakistan. During the same period, Pakistan-backed militants opposed to the ceasefire attacked and killed more than 100 civilians, many of them Hindu religious pilgrims, at several locations in Jammu and Kashmir. On November 26, the Government instituted its own unilateral suspension of offensive action for the Muslim holy month of Ramadan in Jammu and Kashmir and offered to initiate dialog with militant groups that wished to come forward for talks. The Government extended the ceasefire on December 20, and it remained in force at year's end. The Government also continued to pursue a dialog with Kashmiri militant groups, but no formal talks had begun by year's end.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killings.*—Extrajudicial killings by government forces (including deaths in custody and faked encounter killings) continued to occur frequently in the state of Jammu and Kashmir and several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants brought in dead or alive.

Official government figures indicate that security forces killed 1,520 militants in encounters in Jammu and Kashmir as of September, compared with 1,082 militants killed by about the same time in 1999 (Kashmir has been at the center of a territorial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir). Kashmiri separatist groups maintain that many such "encounters" are faked and that suspected militants offering no resistance are executed summarily by security forces. Statements by senior police and army officials confirm that the security forces are under instructions to kill foreign militants, rather than attempt to capture them alive. Human rights groups allege that this particularly is true in the case of security force encounters with non-Kashmiri militants who cross into Jammu and Kashmir illegally. According to press reports and anecdotal accounts, those persons killed typically were detained by security forces, and their bodies, bearing multiple bullet wounds and often marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, on the night of April 29, police took into custody Said Hafeez Mehraj, an alleged militant, at a public telephone booth in Srinagar; the police delivered Mehraj's body to his family the following day. Family members allege that the police

killed Mehraj while in police custody. However, the police claim that they took Mehraj to Rajouri Kedar in downtown Srinagar so that he could help them uncover an arms cache, and that militants fired on the police party, killing Mehraj. On August 16, authorities reported that security forces killed two members of the Hizbul Mujahideen militant group during a raid on a "safe house" used by the group in Walurhama-Magam, Kupwara district. Authorities claim that the two men, Nazir Ahmad Wani and Muhammad Sadiq Mir, began shooting at the forces and that troops killed them while firing back. However, the Hizbul Mujahideen claims that the two men surrendered, and alleges that the security forces later killed them while in custody.

Nongovernmental organizations (NGO's) active in Jammu and Kashmir claimed that in January, Mohammad Tahir Shah of Kapipora was killed soon after being taken into custody by security forces, which earlier had killed Shah's two sons, alleging that they were members of a militant organization. Shah was buried in Tral town. His relatives were not permitted to recover the body for burial in Kapipora, according to an NGO. Another NGO reported that on March 29, security forces killed Gulab Muhammad Chechi in an encounter in Beerwah. Authorities claim that he was a foreign militant and that security forces killed him during a gunfight. However, his relatives say that Chechi was a beggar native to Beerwah. The National Human Rights Commission (NHRC), a government-appointed and financed investigative body (see Section 4), directed that all alleged encounter deaths be investigated immediately by an independent agency; however, members of the security forces rarely are held accountable for these killings. The NHRC itself may inquire into alleged security force abuses in Jammu and Kashmir, but does not have the statutory power to investigate such allegations if it is not satisfied with the responses to its inquiries. Authorities generally have not reported encounter deaths that occur in Jammu and Kashmir to the NHRC. Human rights groups allege that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly respond indiscriminately to gunfire.

According to official figures, in Jammu and Kashmir security forces killed 1,520 militants during the year; 762 civilians and 397 members of the security forces were killed during the same period. According to the Ministry of Home Affairs, in 1999 in Jammu and Kashmir security forces killed 1,082 militants, captured 744, and 109 surrendered to authorities. During the same period, 821 civilians and 356 security force members were killed in insurgency-related incidents in the state, according to the Home Ministry. Home Ministry figures state that in 1999, 584 civilians, 439 militants, and 205 security force members were killed in insurgencies in the northeastern states. The Home Ministry reported that in 1998, 881 civilians, 374 militants, and 182 security force members were killed in the northeastern states.

The security forces also killed civilians during military counterinsurgency operations. For example, on March 25, security forces shot and killed 5 men in Pathribal village, south of Srinagar, alleging that these men were responsible for the March 20 massacre of 35 Sikh civilians in Chattisinghpura village (see Section 5); however, the victims' family members claim that all of the men were innocent civilians whom the police killed, burned, and buried. A Home Ministry spokesman, announcing an investigation into the killings of the five men, later admitted that Jammu and Kashmir police may have "overreacted" in shooting the civilians. On April 3, the Special Operations Group (SOG) of the Kashmir police and the Central Reserve police force fired into a group of several hundred unarmed Muslim protesters in Brakpora, Anantnag district, killing 8 persons and injuring at least 15 others. The demonstrators were protesting the March 25 Pathribal village killings. On April 18, the Jammu and Kashmir government opened a judicial inquiry, under the leadership of retired Supreme Court Justice S.R. Pandian, to investigate the Anantnag incident. On October 31, Jammu and Kashmir's Chief Minister reported that the Home Ministry's Central Reserve Police Force (CRPF) and the SOG of the Jammu and Kashmir police force were guilty of using excessive force during the April 3 Brakpora incident. While some members of the police special task force were indicted in connection with the Brakpora killings, trials had not begun by year's end.

Human rights activists in Jammu and Kashmir allege that members of the Border Security Force shot and killed Ashraf Bazaz and his wife in Srinagar. Security forces allegedly killed the couple, who was traveling in a taxi through Malka Chowk in the capital of Kashmir, after stopping them for questioning. The authorities maintain that the couple was killed in crossfire between the Border Security Force and a group of militants. On August 9, security forces reportedly opened fire on a group of protesters in the town of Rajori near the Jammu border with Pakistan, killing 1 person and injuring 15 others; allegedly, the shooting occurred because the protesters tried to stop an army convoy.

Accountability remains a serious problem in Jammu and Kashmir. Security forces have committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture (see Sections 1.b. and 1.c.). Despite this record of abuse, between January 1990 and September 1998, only 295 security force members were prosecuted and punished for any of these crimes, and no compensation was paid to the victims or their families, according to the Union Home Ministry. During the same period, 113 security force members were punished for human rights abuses in the northeastern states. Punishments ranged from reduction in rank to imprisonment for up to 10 years. According to Amnesty International, the army stated in January that it had investigated 822 of the 955 complaints of human rights violations that it received in 1999 and found that only 24 were of substance.

In the past, scrutiny by the NHRC and international human rights organizations, when permitted (see Section 4), and the persistence of individual magistrates, resulted in somewhat greater accountability for abuses committed by security force members in Jammu and Kashmir; however, in July 1998, the Government rejected the NHRC's recommendations to bring the army and paramilitary forces under closer scrutiny by allowing the NHRC to investigate complaints of their excesses. The majority of complaints during the year involved individual cases; while there have been complaints of individual houses being destroyed, there were no reports of entire villages being burned by armed forces or of mass killings, as in past years. The NHRC continues to receive complaints alleging human rights violations by the security forces, especially from Jammu and Kashmir and the northeastern states.

There were many allegations that military and paramilitary forces in the northeast engage in abduction, torture, rape, arbitrary detention, and the extrajudicial execution of militants (see Sections 1.b., 1.c., 1.d., and 1.g.). The Armed Forces Special Powers Act of 1958 and the Disturbed Areas Act of 1976 remained in effect in several states in which active secessionist movements exist, namely, in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. The Disturbed Areas Act gives police extraordinary powers of arrest and detention, which, according to human rights groups, allow security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act of 1958 provides search and arrest powers without warrants (see Section 1.d.).

Human rights monitors allege that, as in Jammu and Kashmir, government reports of deaths during "encounters" between insurgent groups and security forces in northeastern states actually are staged, and that those insurgents who were reported dead were killed after being detained by security forces. More than 30 encounters occurred between security forces and militant groups in Tripura alone during the first 9 months of the year. In March Assam chief minister Prafulla Kumar Mahanta told the press that 1,439 persons had been killed during the state's conflict; of these, 430 were security force members. There were at least 60 insurgency-related killings in Assam between January and June, according to an informal estimate from press reports. For example, on April 7, army personnel killed six suspected United Liberation Front of Assam (ULFA) militants in an encounter in the Manasdiga Forest, Bongaigaon district. The People's Union for Civil Liberties (PUCL) credibly reported that army troops killed 12 members of the National Socialist Council of Nagalim (Isak-Muivah) (NSCN(I-M)) in an encounter on July 11 along the Assam-Manipur border close to the Jiri River at Bolapunj in Assam's northern Cachar district. There were no army casualties in the encounter. The district administration in Meghalaya ordered an investigation of an August 24 police shooting in which two Khasi student union leaders were killed. The two students allegedly were members of the Hynniewtrep National Liberation Council (HNLC) and were suspected of having killed three nontribal laborers in Meghalaya in 1999. The South Asia Human Rights Documentation Center (SAHRDC) credibly reported that on September 10, members of the 17th Battalion of the Assam Rifles, led by Major Rawal, took Khundrakpam Tomcha, Surjit Chongthamcha, Ito Tongbram, and Robin Thokchom into custody in the home of Naorem Dwijamani at Chingamthak, Thokchom Leikai, Imphal, Manipur; authorities detained Dwijamani later the same day. It is believed that the Assam Rifles took the five persons to their headquarters in Kangla. On September 12, police found a bullet-riddled body, which subsequently was identified as that of Khundrakpam Tomcha, on a bank of the Imphal River near Singjamei, Thokchom Leikai, Imphal. On September 12, the Assam Rifles stated that security forces had killed Khundrakpam Tomcha in crossfire between security forces and insurgents during an operation against insurgents on September 11. However, witnesses allege that the body also bore marks of torture. On September 13, the 17th Battalion Assam Rifles released to police Naorem Dwijamani and Robin Thokchom into police custody. According to press reports, Thokchom had been tortured (see Section 1.c.). Dwijamani subsequently was released on bail, but as of No-

ember, Thokchom remained in the central Imphal jail, facing charges under the National Security Act (NSA).

Since 1980 clashes between police members and Naxalite Maoist Revolutionaries of the Peoples' War Group (PWG) have occurred in northwestern Andhra Pradesh. During the late 1990's, hundreds of policemen and suspected Naxalites were killed, according to press reports and human rights organizations. According to police, 101 PWG Naxalites were killed in armed "encounters" during the first 8 months of the year. Twenty years of guerrilla-style conflict have led to serious human rights abuses committed by both sides. Human rights groups allege that "encounters" often are faked by the police to cover up the torture and subsequent killing of Naxalite suspects, sympathizers, or informers. According to police, the PWG killed 31 police officers and 80 civilians, including the former home minister of the state, from January 1 to December 14. In PWG-dominated areas, villagers complain of regular harassment and arbitrary detention by police (see Section 1.d.). Police officials rarely, if ever, are held accountable for human rights abuses.

The state government offers a financial package to surrendered PWG militants, a program that has prompted hundreds of Naxalites to leave the movement in recent years. According to human rights activists and journalists, a few surrendered militants have been allowed to retain their weapons and now are working for the police as anti-PWG hitmen, residing in police camps and barracks. On November 23, four assailants killed human rights lawyer and former PWG militant Purusuotham in Hyderabad. Police arrested four suspects a few days later, two of whom were identified as ex-PWG militants. The two persons confessed to the killing at a press conference that was quickly organized by the police. Police attributed the killing to feuds dating back to the victim's time spent in the PWG.

An "encounter" death occurred in Tamil Nadu on January 10, when police shot and killed a Naxalite, Ravindran, in Dharmapuri district. Police claimed that they opened fire after Ravindran and three other Naxalites ambushed a police patrol. A factfinding team of human rights NGO's, citing inconsistencies in the police reports and the testimony of another Naxalite who was taken into custody during the same incident, alleged that Ravindran was arrested on January 7, tortured, and later executed (see Section 1.c.). On July 20, Andhra Pradesh police killed seven Naxalites in Karimnagar district. According to police, the Naxalites began firing at police officers who were surrounding a safehouse used by the extremists, and the seven were killed in the ensuing return of fire by police. However, human rights NGO's allege that police deliberately set fire to the house before the outbreak of gunfire and then fired bullets into the structure for several hours, killing the Naxalites. On October 30, police surprised an armed group of seven female Naxalites in Gadampalli, Andhra Pradesh. Police opened fire while the women were bathing in a stream, killing all seven. No policemen were injured or killed in the encounter. On November 2, police officers killed Jadhav Subash, a former Naxalite, in Dantepalli village, Andhra Pradesh. According to human rights lawyers who interviewed village eyewitnesses, a squad of policemen dragged Subash from a village tea shop and then shot and killed him.

As evidence that "encounters" often are faked by police, human rights groups cite the refusal of police officials to turn over the bodies of suspects killed in "encounters." The bodies often are cremated before families can view them. The NHRC is investigating about 285 reported cases of so-called "fake encounter deaths" allegedly committed by the Andhra Pradesh police in connection with anti-Naxalite operations. In its 1996-97 report, the NHRC stated that the evidence on record did not reveal any prior police attempt to arrest the persons before they were killed. The report observed that in none of these encounters did police personnel receive any injury. The Commission further observed that "no attempt whatsoever" was made to ascertain the identity of the police officers who fired the weapons, and that no attempt was made to investigate the circumstances under which the police opened fire. "As this appeared to be the pattern of the procedure followed by the police," the report concluded, "the Commission felt it necessary to conclude that the procedure followed by them was opposed to law." According to the Andhra Pradesh Civil Liberties Committee, the NHRC has evidence of police culpability in several cases of "encounter deaths" involving suspected Naxalites. However, such cases have not been adjudicated in the courts or otherwise have not been acted on by the state government. For example, of six cases referred by the Andhra Pradesh Civil Liberties Committee to the NHRC in 1994, evidence of police culpability was found in five. In 1994 the NHRC directed the state government to investigate the cases; however, the state never has taken any action. The state government's failure to act expeditiously in these cases has discouraged local human rights groups from filing additional "encounter death" cases with the NHRC.

The Disturbed Areas Act has been in force in a number of districts in Andhra Pradesh for over 3 years. Human rights groups allege that security forces have been able to operate with virtual impunity in parts of Andhra Pradesh under the act. They further allege that Andhra Pradesh police officers train and provide weapons to an armed vigilante group known as the "Green Tigers," whose mission is to combat Naxalite groups in the state. Little is known about the size, composition, or activities of this group.

Police also used excessive force indiscriminately against demonstrators, killing many citizens. For example, according to Amnesty International, on January 31, police killed two "Dalit" (formerly "untouchable") men in Jethuke village, Bhatinda district, Punjab, when they opened fire on hundreds of persons demonstrating over high bus fares and the detention of four leaders of the Bharatiya Kisan Union (Indian Farmers Union), who were representing villagers in negotiations with the district administration regarding the issue (see Section 2.b.). On May 8, in Dibrugarh, Assam, police killed two persons when they opened fire on the funeral procession of a businessman and his son—who allegedly were killed by surrendered ULFA militants working at police behest. On May 10, police fired 23 rounds of bullets into a mob of Karbi People's Front (KPF) supporters in Jalpaiguri, West Bengal, killing 1 person and injuring 5 others. During the year, a government commission completed its investigation of the drowning deaths of 17 persons in Tirunelveli, Tamil Nadu. The deaths occurred in July 1999, when thousands of demonstrators ran into a river to escape police beatings. The demonstrators were demanding government intervention in a labor dispute at a local coffee estate and the release of 652 estate workers imprisoned after a previous demonstration. Human rights groups in Tamil Nadu criticized the commission's findings, claiming that the commission exonerated senior police officials, and implied that the demonstrators themselves were responsible for the drownings. No charges in connection with the drownings had been brought against any police official by year's end.

On April 4, police in Mau district, Uttar Pradesh, confronted a group of 20 to 25 women staging a sitdown strike to demand the removal of a liquor-vending stall from their village, according to PUCL. After failing to persuade the women to disperse, police charged the group with bamboo poles. When this failed to move the women, the police opened fire on the unarmed protesters, killing one of them. On December 18, police in Keshori village, Gondia district, Maharashtra, fired on a crowd of persons, killing 5 persons and injuring 31 others. The villagers asserted that the police firing followed an altercation that arose when villagers objected to some drunken policemen sexually harrassing a village woman. Police initially claimed that they had fired in self-defense. The entire police contingent later was transferred to another district. On December 31, police in Rayagada district, Orissa, fired on villagers protesting the attempt of a multinational company to set up an aluminum plant in the predominantly tribal area; three persons were killed.

Throughout the country, numerous accused criminals continue to be killed in encounters with police. For example, the Institute of Objective Study in its "Human Rights Today" bulletin of winter 1999–2000 reported that on January 14, police in Meerut, Uttar Pradesh, shot and killed 20-year-old Meerut College student Smita Bhaduri. Three police officers—Inspector A.K. Kaushik, Constables Surendra, and Bhagwan Sahay of Daurala police station—were told that "gangsters were prowling" Sewaya village on the outskirts of Meerut. After arriving at the village, the three officers shot at an automobile, believing it to be the gangsters' vehicle, killing Bhaduri. The officers allegedly reported that Bhaduri was killed by "crossfire" during an "encounter" with gang members.

According to the Government, 542 civilians and 96 police officers died in gunfire exchanges involving police in 1998.

Security forces also held persons in incommunicado detention; on occasion, as in the 1996 case of human rights monitor Jalil Andrabi, such missing persons later were found dead (see Sections 1.b. and 4). As of December 1997, 55 cases of disappearance and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.b. and 1.c.).

While extrajudicial killings continued in areas affected by separatist insurgencies, the press and judiciary also continued to give attention to deaths in police custody. According to the NHRC, 1,114 persons died in prisons between April 1998 and March 1999, many from natural causes that in some cases aggravated by poor prison conditions (see Section 1.c.). Human rights groups allege that many deaths in prisons are due to torture. There were numerous examples of prison deaths due to torture throughout the year (see Section 1.c.).

The NHRC has focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appear to be

complying with this directive. However, the NHRC has no authority to investigate directly abuses by the security forces, and security forces therefore are not required to—and do not report custodial deaths in Jammu and Kashmir or the northeastern states. In August the NHRC ordered an investigation into the death in police custody of Rajan Singh in September 1995 in Agra district jail. Police stated that Singh, who was being transported to court for trial in a police truck, died of injuries sustained when he jumped from the vehicle in an effort to escape. The autopsy revealed that Singh had undergone shock and hemorrhaging prior to his death. The NHRC found that the postmortem results were inconsistent with the police explanation of the death and believed that the claim of Singh's attempted escape from custody was fabricated and that a more likely explanation was that Singh "could have been subjected to severe beating in the police vehicle." The NHRC ordered Uttar Pradesh state to pay \$10,990 (500,000 rupees) in compensation to Singh's next of kin and recommended disciplinary action against the police officers involved in the incident. Also in August, the NHRC directed the Karnataka government to pay compensation of \$4,395 (200,000 rupees) to the family of Thimmaiah, who died in the Mulbagal police station, Kolar district, Karnataka. The police maintain that Thimmaiah hanged himself in his cell; however, the postmortem and inquest reports forwarded by the Karnataka government do not substantiate this claim. The Commission concluded that the death "had been caused by police," and ordered the government of Karnataka to bring charges against the police officers involved in the incident.

According to the PUCL, on February 17, Nathan died in police custody in Chennai. Police assert that they arrested Nathan on February 16 on suspicion of theft and that he confessed to that crime in court the same day. They further maintain that Nathan complained of diarrhea and vomiting the following morning; he later was taken to a nearby hospital and declared dead. However, the PUCL alleges that Nathan actually was arrested on February 10, 6 days before the recorded arrest, and that police tortured him to death in an effort to recover stolen money. The Tamil Nadu government initiated an official inquiry into the death and suspended six police personnel, including an inspector, after the incident. Amnesty International and Human Rights Watch (HRW) reported that on April 20, police in Gujarat beat to death Colonel Pratap Save, an activist with the Kinara Bachao Samiti (Save the Coast Committee), which was protesting the construction of a port in Gujarat. Members of the State Reserve Police allegedly arrested 46 demonstrators, including Save, following the protest, and beat 6 of them at a local police station (see Section 1.c.). Save suffered a brain hemorrhage and died at a hospital in Mumbai. All of the other protesters were released on bail within 48 hours. The Karnataka branch of the PUCL alleged that police in Moodabidri town, Mangalore district, Karnataka, were responsible for the custodial death of Sudath Kumar Jain, a 40-year-old local film projectionist. The human rights group alleges that police took Jain from his home for questioning shortly after midnight on May 30. Two hours later, his relatives were informed that he had been admitted to a hospital; his relatives found Jain unconscious and bleeding from his mouth. Jain was transferred to a second hospital late that morning where he died 3 hours later. The PUCL concluded that police had tortured Jain to death (see Section 1.c.). After the investigation results, the superintendent of police, South Kanara district, filed a criminal case against the arresting officer.

Human rights groups allege that police in Adilabad district, Andhra Pradesh tortured and then hanged Chandraiah, an unarmed suspected Naxalite, on June 10. Angry villagers forced one of the police officials to confess to the hanging. Based on his confession, human rights activists filed a formal complaint with the NHRC. The NHRC has directed the Andhra Pradesh government to investigate. The PUCL reported that Krishna Pada Seal, his wife, and his son were imprisoned in Sakchi Jail, Jamshedpur, Bihar on July 25. According to the PUCL, prison officials tortured them, allegedly because they intended to extort money from the family (see Section 1.c.). Seal and his family were granted bail on August 4, following the intercession of the PUCL. On his release, Seal could not walk, and died as he was being carried to a waiting car. According to credible reports, on August 3, Lalrinchana, a 25-year-old Chin refugee, died from torture in the Mizoram Aizawl central prison. Reportedly, village defense persons first arrested and tortured Lalrinchana, and then turned him over to the Mizoram police (see Section 2.d.). In August the Karnataka High Court convicted eight police officers who served in Nanjangud Police Station in Karnataka in 1996 for fabricating official records following a custodial death. The Karnataka police oversaw the entire investigation and presentation of evidence.

In its 2000 annual report, Amnesty International expressed concern about the torture death of 21-year-old Devinder Singh. On September 18, 1999, police beat Devinder Singh, Sapinder Singh, and Karnail Singh (three Sikh brothers), in a po-

lice courtyard in Punjab, apparently to exact a confession from them that they possessed an assault rifle. Allegedly, police pulled their legs open 180 degrees, applied gasoline to their genitals, and beat them badly. Devinder Singh died as result of his injuries. A police subinspector subsequently was charged with Devinder Singh's murder.

An army major was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi. The case still was being heard at year's end, but human rights workers alleged that the central Government and Jammu and Kashmir state both were attempting to subvert the judicial process by withholding evidence, and that there were no court actions during the year. There were no developments in the 1996 killing of human rights monitor Parag Kumar Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government (see Section 4).

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued to be a significant problem in Jammu and Kashmir. Countermilitants are former separatist militants who have surrendered to government forces, but who have retained their weapons and paramilitary organization. Government agencies fund, exchange intelligence with, and direct operations of countermilitants as part of the counterinsurgency effort. Countermilitants are known to search persons at roadblocks (see Section 2.d.) and guard extensive areas of the Kashmir Valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, is responsible for killings, abductions, and other abuses committed by these militant groups. Perhaps as many as 3,000 individuals continue to operate in Jammu and Kashmir, particularly in the countryside, outside major towns. The Hizbul Mujahideen, a Kashmiri militant group, stated in June 1998 that progovernment countermilitants had killed 350 of its members. According to Pakistani newspaper accounts, Indian security forces had killed 438 Pakistani members of insurgent groups in Jammu and Kashmir during 1999. Of this number, 200 were members of the LashkareTayyaba, 123 were members of the Al-Badr Mujahideen, 69 were members of the Harkat-Ul-Mujahideenand, and 46 were members of the Hizbul Mujahideen. However, these numbers have not been confirmed, and only include the four largest militant groups in the state. The Government stated that security forces had killed 1,520 militants in the state during the year, compared with 1,082 in 1999. The Government recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force.

Militant groups in Jammu and Kashmir increasingly targeted members of the security forces and civilians during the year. In January militants allegedly killed two soldiers in Jammu and Kashmir; the soldiers retaliated with arson. On February 28, militants killed five Hindu truck drivers on the SrinagarJammu Highway (see Section 5). According to HRW, in February militants allegedly shot and killed three police officers in the busy market area of Lal Chowk, Srinagar; security forces retaliated by beating nearby civilians with sticks and rifle butts and by burning cars in Srinagar (see Section 1.c.). On March 20, militants massacred 35 Sikh inhabitants of Chatisinghpura town, Anantnag district, Jammu and Kashmir, in what appeared to be a well-planned attack. The militants, dressed in military uniforms, separated unarmed male members of the Sikh families from women and children, gathered the men in a school complex a short distance from their homes, and summarily executed them. It was the first known attack on the Sikh minority in Jammu and Kashmir by militants, and it appeared intended to drive other members of that community from the Muslim-majority state (see Section 5).

On March 24, militants invaded a Muslim family's home and killed five family members in Kot Budhan village, Udhampur district. The militants stormed into the house in the early morning, beat family members, and then shot them at point-blank range; three other family members, including a child, were wounded in the attack. According to HRW, on April 17, gunmen entered the homes of several Hindu families in Kot Dara village, near Rajouri. They fired on the unarmed civilians, killing six persons and injuring six others (see Section 5). On August 1 and 2, militants launched 8 separate and coordinated attacks in Jammu and Kashmir, killing approximately 99 persons. In one of the attacks, at Pahalgam, armed militants descended on a camp of Hindu religious pilgrims making the annual pilgrimage to Amarnat, in the northern part of the state. The militants fired automatic weapons at the pilgrims' tents, the unarmed civilians in the camp, their local porters and guides, and nearby army personnel, killing 32 persons, primarily unarmed civilians. Similar attacks throughout the night of August 1 to 2 appeared to have been intended to halt the nascent effort of the Hizbul Mujahideen militant group and the Government to observe a ceasefire and initiate a dialog. An army-headed commission investigated the August 1 Pahalgam massacre and reported on October 31, that

the Home Ministry's Central Reserve Police Force and the SOG of the Jammu and Kashmir police force used excessive force; however, there were no charges brought in connection with this use of excessive force. On August 17, militants from Harkatul-Jehade Islami reportedly killed six Hindu villagers and seriously wounded seven in the Rajouri district in Jammu (see Section 5). According to HRW, on August 18, militants killed three elderly men and a teenage boy, and wounded two other persons when they fired automatic weapons at civilians in Ind village, Udhampur (see Section 5). On September 12, Lashkar-e-Tayyaba and Jamaat-ul-Mujahideen militants wearing army uniforms entered an army camp at Beerwa, Budgam district, and fired automatic weapons at the sleeping soldiers; 11 soldiers were killed. Two of the attackers were killed in the ensuing gun battle. In early December, militants killed two members of a policeman's family and wounded two others when they barged into a house in the border district of Poonch and opened fire. Militants also carried out attacks on security forces that killed numerous persons (see Section 1.g.). On December 22, six militants with concealed weapons entered Delhi's Red Fort, an historic monument that also houses an army unit, during a regularly scheduled sound and light show for the public. The militants opened fire on the crowd, killing a soldier and two civilians. The Lashkar-e-Tayyaba militant group later claimed responsibility for the attack. On December 26, city police raided a Delhi apartment and shot and killed Abu Shamal, whom they claimed to be Lashkar-e-Tayyaba militant involved in the Red Fort attack.

Killings of security force members by militants in Jammu and Kashmir increased for the third year in a row. According to official statistics, 397 security force personnel were killed in the state during the year. The Ministry of Home Affairs reported that 356 security force members were killed in the state in 1999 and that 232 members died in Jammu and Kashmir in 1998.

Insurgency and increased ethnic violence took a heavy toll in the northeastern states. Extensive, complex patterns of violence continued in many of the seven northeastern states. The main insurgent groups in the northeast include two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security force in Assam; and the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT) in Tripura. The proclaimed objective of many of these groups is to secede from the country, creating new, independent nations. Their stated grievances against the Government range from charges of neglect and indifference to the widespread poverty of the region, to allegations of active discrimination against the tribal and nontribal people of the region by the central Government (see Section 5). The oldest of these conflicts, involving the Nagas, dates back to the country's independence in 1947. On August 1, 1997, a ceasefire between the Government and the Isak-Muivah faction of the NSCN (NSCN-IM) entered into effect. The ceasefire was extended in January until July 31, 2001. In April another Naga insurgent group, the National Socialist Council of Nagaland-Khaplang (NSCN-K), announced a formal ceasefire. Security forces were not operating against either of the two NSCN factions and both generally were observing the ceasefire with security forces. However, in April week-long fighting between the 2 NSCN factions left over 45 persons dead, and 4,500 persons were forced to flee 15 villages in Mon district (see Section 2.d.). Negotiations to widen the area of application of the ceasefire were handicapped when NSCN(IM) leader Thuingaleng Muivah was arrested in Thailand on January 19 for traveling on a forged South Korean passport. On August 25, a joint group of Thai and Indian citizens appealed to the central Government to secure the release of the NSCN(IM) leader in the interest of Naga peace talks. He was released on bail in September.

Elsewhere in the northeast, Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals. The killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam.

Militant groups in Manipur, Tripura, and Assam continued to attack civilians.

In Tripura on January 3, the NLFT killed three persons, including Ravi Kumar Devbarma, a Communist Party of India (Marxist)CPI(M)-leader, in Kashichandrapara. Prior to the April 30 to May 3 elections for the Tripura tribal autonomous district council, ultras (militants) threatened to harm seriously persons who voted in favor of any candidate not belonging to the Indigenous People's Front of Tripura (IPFT). During the period before the election, more than 1,500 nontribal families from 3 villages were left homeless as tribals backed by militants intensified their offensive to cleanse autonomous district council areas of Bengalis. On April 14, the NLFT killed four nontribal villagers in Ramdulapara, north Tripura. Reportedly,

the NLFT was retaliating for a United Bengali Liberation Force (UBLF) attack nearby on March 8 in which a villager was killed and six tribals were injured seriously. On April 15, the NLFT killed at least 12 villagers in Khas Kalyanpur, West Tripura. On May 4, NLFT militants shot three family members of Kishore Debbarma, an NLFT deserter. On May 15, NLFT militants killed four persons and abducted three others in west and south Tripura (see Section 1.b.). CPM sources allege that all of the victims were CPM supporters and that the NLFT was punishing them for voting for the CPM in the council polls. On May 19, NLFT insurgents killed seven nontribals—including CPM workers' family members—and set fire to several houses in south and west Tripura. On May 20, at least 8 persons were killed and more than 20 others were injured in Kalyanpur, west Tripura. On May 21, 15 persons were killed in Teliamura and Kalyanpur in attacks on tribals by nontribals. NLFT insurgents killed 40 villagers in west Tripura on May 21, including 19 nontribals who were massacred at a relief camp in Kalyanpur. On May 22, NLFT insurgents killed three nontribals in Gandachhara. On May 25, NLFT members raided the house of a CPM leader in west Tripura, and burned alive his 8-year-old son. On May 26, ATTF rebels killed a tribal person and kidnaped four others (see Section 1.b.). On May 28, the NLFT shot and killed two farmers in Raiabari. On June 6, ATTF ultra's hacked a person to death in Warengtubari. On June 13, two persons, including a paramilitary officer, were killed in an ethnic clash in Teliamura, in which a Bengali mob, angered at a killing by tribals, turned violent. On June 23, NLFT militants kidnaped and killed a person in Anandapur village. On June 26, four persons were injured in ethnic clashes between tribals and Bengalis in Teliamura. On July 9, NLFT militants shot and killed Dharendra Roy, a CPM leader at Salema. On July 14, tribals set fire to more than 150 houses, injured 3 persons, and kidnaped another in Teliamura. On July 22, rebels of the Bru National Liberation Front (BNLF), a group of Reang tribals, shot 12 NLFT activists at Saikarbari. On July 25, tribal rebels killed Roman Catholic priest Victor Crasta near Bongsul village. The same day UBLF activists set 25 houses on fire in west Tripura. On August 17, militants killed a villager at Panisagar and abducted three persons from Manu (see Section 1.b.). On August 26, NLFT insurgents killed one tribal youth in Sidhai, a fisherman at Jarulbachai, and a plantation worker in Narendrapur Tea Estate. On August 27, Bengalis in Tripura State Rifles uniforms hacked to death three tribal women in Durga Charan Para village. NLFT ultra's killed a priest as he was exiting a Kali temple in Jirania on August 27 (see Section 5). On November 19, NLFT members killed six Bengali settlers, including two children, in the remote Barahaldi area of Tripura; a few hours later, Bengali settlers killed seven tribals in retaliation.

In Assam, on April 9, United People's Democratic Solidarity (UPDS) militants lined up 11 non-Karbi laborers in the Dhansari Reserve Forest in Karbi Anglong district, and shot at them. (The UPDS is a Karbi radical group fighting for greater autonomy for the Karbis, and Karbis are tribal peoples native to Karbi Anglong district.) On April 19, UPDS militants killed 11 Nepalis at East and West Umlapher villages. On April 24, UPDS militants killed six Bihari laborers in Akhoiputua as part of their ethnic cleansing drive in Karbi Anglong district. In April alone, the Karbis killed 29 persons. In an ambush near Haflong, Dima Halam Daoga (DHD), militants killed an executive magistrate and five others on May 18. On June 3, ULFA militants at Srijangram in Bongaigaon killed two Assam policemen. On June 20, two CRPF personnel and a top People's United Liberation Front (PULF) leader were killed in an encounter at Motinagar. On June 25, surrendered ULFA leader Tarun Phukan was found dead; it is believed that ULFA activists killed him at Sivsagar. On July 16, UPDS activists in Karbi Anglong district shot 10 nontribals, mostly women and children. On July 18, migrant Biharis killed six Karbi villagers in Karbi Anglong. On July 26, DHD militants opened fire in a marketplace at Herangajao, killing two traders and injuring six others. On August 20, suspected National Democratic Front of Bodoland (NDFB) militants killed Bodo Sahitya Sabha President Bineswar Brahma in Guwahati. On August 21, at Bijni, NDFB rebels killed eight persons including a Peoples Democratic Front Legislator, Mohini Basumatary. On August 22, Bodo militants killed a former All Assam Students Union Leader. On August 27, a man affiliated with the People's United Liberation Front (PULF) killed a 7-year-old Muslim boy in Cachar for unknown reasons, generating protests from Muslim organizations such as Nadwadoot Tamir and the Cachar Koumi Madrassa Students' Association. On December 7, in Sadiya, Assam, more than 20 ULFA militants killed 28 persons after intercepting 3 trucks carrying non-Assamese, mainly Nepali settlers, from a nearby market.

On June 10, unidentified militants killed noted playwright and social worker Arambam Somorendra at Khurai Salanthong. On June 28, unknown assailants killed 10 passengers in a car on the Imphal-Jiri stretch of National Highway 53.

On July 30, unidentified militants killed four security personnel and injured many others in an ambush near Mao, bordering Nagaland. In mid-November suspected militants of the People's Liberation Army of Manipur shot and killed five army personnel in the Mutukhong area of east Imphal district.

Many members of the Hmar Revolutionary Force (HRF) in Mizoram accepted the state government's offer of amnesty in return for surrendering their arms. On June 6, 16 HRF members relinquished arms before state Home Minister Tawnluia. They received \$215 (10,000 rupees) each for rehabilitation. In Assam more than 2,000 extremists surrendered their arms during the year. A new Assam government package for insurgents attempted to rehabilitate rural and urban ultras separately, through various economic development and training programs. On February 6, "organizing secretaries" of the ULFA Khairul Hussain and Phukan Ali and "medical-in-charge" Tajuddin Ahmed surrendered to the army in lower Assam. On March 21, 22 ULFA members surrendered before Sonitpur district administration in Tezpur. On April 4, 532 Assam militants (436 ULFA members, 77 Karbi National Volunteers, and 19 National Democratic Front of Bodoland) surrendered at Rang Ghar. On April 18, 48 ULFA and NDFB militants surrendered before village elders in lower Assam's Darrang district. On May 2, 75 militants (54 ULFA, 12 Rabha National Security Force, 8 Muslim United Liberation Tigers of Assam, and 1 Koch Rajbangshi) surrendered in Goalpara before the district administration. On May 30, 25 ULFA militants relinquished arms before the army at Bongaigaon.

The kidnaping of NGO environmental monitor Sanjay Ghosh in 1997 and his death at the hands of his ULFA captors continued to attract wide public criticism. In August 1997, ULFA confirmed that Ghosh died in captivity after being "arrested and tried." ULFA still has not produced Ghosh's body. In June 1999, the CBI filed murder charges in connection with the case against ULFA leader Paresh Arua and 10 other ULFA members. During the year, surrendered ULFA militant Lohit Deuri told the police that ULFA has kept one of the killers of development worker Sanjay Ghosh in "solitary confinement" since 1999. The alleged killer, Khirod Gohain, is serving a "sentence" for indiscipline.

Naxalite Maoist revolutionaries of the PWG killed dozens of persons, declaring them "class enemies" or police informers. On September 3, three PWG members shot and killed a former Naxalite, Krishnan, in Nizamabad district, Andhra Pradesh. Krishnan had surrendered to police earlier. The militants left a note accusing him of being a police informant. On May 30, PWG Naxalites shot one person and blew up a government guesthouse in a village in Andhra Pradesh. In areas under their control, Naxalites dispense summary justice in "People's Courts," which in some cases condemn to death suspected police informers, village headmen, and others deemed to be "class enemies" or "caste oppressors" (landlords); the Naxalites also extort money from these groups, as well as businesses. Naxalite violence has plagued Andhra Pradesh since the early 1980's, and has claimed more than 500 civilian and police victims since 1996 alone (see Sections 1.g. and 5).

In November 1997, an independent commission of inquiry established by Parliament in 1991 to investigate the May 21, 1991 assassination of former Prime Minister Rajiv Gandhi tabled an interim report of its findings in the Lok Sabha (lower house of Parliament). The report blamed the Liberation Tigers of Tamil Eelam (LTTE) as clearly responsible for the assassination but was inconclusive on the question of whether the LTTE had received assistance in carrying out the murder. It criticized the then-government for its alleged failure to provide comprehensive security for the former Prime Minister. On January 28, 1998, a designated lower court in Chennai sentenced to death all 26 persons accused in the assassination. The CBI originally charged 41 persons in the case; 12 since have died, and 3 have evaded capture (including LTTE leader Velupillai Prabhakaran). Many of those sentenced, who include both Indian and Sri Lankan nationals, allegedly were involved only peripherally in the assassination plot, but the court upheld the CBI contention that all of them were aware that they were conspiring in a common cause. Having heard an appeal of the convictions, the Supreme Court in May 1999, acquitted 19 of the 26 accused persons and upheld the convictions of 7 persons (see Section 1.e.). It sustained the death sentence in the case of four of the convicted persons and changed the sentence of three others to life imprisonment.

Nearly 50 persons were killed in election-related violence throughout the country in September and October (see Sections 1.g. and 4).

Religiously and ethnically motivated violence caused numerous deaths (see Section 5).

Mob lynchings of tribal people occur in many states (see Section 5).

*b. Disappearance.*—According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir; however, the Government has not released any recent figures.

The Ministry of Home Affairs reported that 744 suspected militants were arrested in 1999 and 109 persons surrendered. In comparison, according to the Jammu and Kashmir police, 1,228 suspected militants were arrested in 1998 and 187 persons surrendered. Human rights organizations allege that the decline in the number of militants arrested from 1998 to 1999 is consistent with reports that security forces are killing many militants captured in "encounters" (see Section 1.a.); that pattern continued during the year. Of those arrested and who surrendered in 1998, 529 persons were released after preliminary questioning, 457 persons were charged under special security laws, and the remaining persons were released at a later stage of judicial review. In addition the Jammu and Kashmir police stated that in 1998 it held 514 persons under the Public Safety Act (PSA). According to an Amnesty International report that was released during the year, there are between 700 and 800 unsolved disappearances in Kashmir since 1990. The Home Ministry reported that security forces in the northeastern states arrested 1,413 suspected militants in 1999; an additional 1,080 militants surrendered during that year. In comparison 1,485 suspected militants were arrested and 267 persons surrendered in 1998. The Government was unable to provide complete statistics for the number of persons held under special security laws in the northeastern states, but acknowledged that 43 persons were in detention under the National Security Act as of December 31, 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, human rights organization credibly reported that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term (1 day to 6 months duration) confinement in transit and interrogation centers.

Human rights groups maintain that several hundred more persons are held by the military and paramilitary forces in long-term unacknowledged detention in interrogation centers and transit camps in Jammu and Kashmir and in the northeastern states that nominally are intended for only short-term confinement. Human rights groups fear that many of these unacknowledged prisoners are subject to torture and extrajudicial killing (see Sections 1.a. and 1.c.). According to one NGO, there were 1,300 writs of habeas corpus pending in the Jammu and Kashmir High Court in 1999. In August Amnesty International reported that the fates of up to 1,000 persons reported missing in Jammu and Kashmir since 1990 remain unexplained by authorities. The U.N. Special Rapporteur on Torture reported in 1997 that more than 15,000 habeas corpus petitions have been filed in the country since 1990, "but that in the vast majority of these cases the authorities had not responded to the petitions." In 1999 the Working Group on Enforced or Involuntary Disappearances of the U.N. Commission on Human Rights (UNCHR) transmitted 33 newly reported cases of disappearance to the Government, 14 of which reportedly occurred in 1998. The Government submitted information on eight cases of disappearance to the working group in 1999.

HRW reported that M. Akbar Tantray, an imam of a mosque in Rafiabad, Jammu and Kashmir, was reported missing on February 8. Shortly after his January 30 arrest by an army unit, unit officials told family members that Tantray was not in their custody. In February the NHRC issued a notice to the Union Defense Secretary requiring him to report on the whereabouts of Abdul Rasheed Wani of Bemina, Jammu and Kashmir. According to family members, an army patrol arrested Wani near the Srinagar fruit market on July 7, 1997 and he has not been seen since. In August Amnesty International appealed to the Government to investigate the growing number of disappearances in Jammu and Kashmir. The organization estimated that as many as 1,000 persons had "disappeared" in the state since 1990. In September the NHRC issued a notice to the Chief Secretary and Director General of Police in Jammu and Kashmir and the Secretaries of the Union Home and Defense Ministries requiring them to report on missing persons in the state within 8 weeks; however, there was no public information regarding the authorities complied with the directive.

In one prominent case in Jammu and Kashmir, the Government responded to the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions in 1997, states that human rights monitor Jalil Andrabi was not arrested by security forces, as alleged by human rights groups, but was abducted by "unidentified armed persons." Andrabi last was seen alive in the presence of countermilitants and members of the security forces on March 8, 1996, in Srinagar. Despite the Government's statement, the army in February 1996 identified to a Srinagar court a major with a temporary commission as the individual primarily responsible for Andrabi's death. Security forces allegedly dumped Andrabi's body into the Jhelum River. His case also is the subject of an inquiry by the NHRC. In 1998 an army major was arrested for the killing of Andrabi. There was no progress in the case by year's end, and the accused major no longer is in detention (see Sections 1.a. and 4). In April 1998, the

Government stated that it would investigate the fate of eight persons who reportedly disappeared in Jammu and Kashmir during 1997: Fayaz Ahmad Beigh, Fayaz Ahmad Khan, Abdula Rashid Wahid, Mohammed Ashraf Dar, Mohammed Afzal Shah, Nisar Ahmad Wani, Manzoor Ahmad Dar, and Bilal Ahmad Sheikh. In September 1998, the Government accounted for only one of the eight persons, claiming that Fayaz Ahmad Beigh had escaped from police custody on September 9, 1997, and was believed to have crossed the line of control into Pakistan. By year's end, no new information was available on any of these cases. As of December 1997, 55 cases of disappearance and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.a. and 1.c.).

The Government maintains that screening committees administered by the state governments provide information about detainees to their families. However, other sources indicate that families are able to confirm the detention of their relatives only by bribing prison guards. For example, in May the People's Union for Civil Liberties (PUCL) published an appeal by Sunita Majumdar, the mother of Partha Majumdar, who was taken from his home by police in District 24 Parganas, West Bengal, in September 1997, and has not been seen since. Police have provided no information in the case despite a request from the State Human Rights Commission. Partha Majumdar was a witness to an alleged police shooting that left one person dead. In May the State Human Rights Commission recommended that a criminal investigation be initiated against police involved in the incident; however, it is not known whether the requested criminal investigation was initiated. A program of prison visits by the International Committee of the Red Cross (ICRC), which began in October 1995, is designed in part to help assure communications between detainees and their families. During the year, the ICRC visited approximately 1,000 detainees in about 20 places of detention. All acknowledged detention centers in Jammu and Kashmir and Kashmiri detainees elsewhere in the country were visited. However, the ICRC is not authorized to visit interrogation centers or transit centers, nor does it have access to regular detention centers in the northeastern states (see Sections 1.c. and 4).

In Punjab the pattern of disappearances prevalent in the early 1990's appears to have ended. Hundreds of police and security officials were not held accountable for serious human rights abuses committed during the counterinsurgency of 1984-94. However, steps were taken against a few such violators. The CBI claims to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" case. Police in the Tarn Taran district secretly disposed of bodies of suspected militants believed to have been abducted and extrajudicially executed, cremating them without the knowledge or consent of their families. The CBI in its report to the Supreme Court in December 1996 stated that Punjab police secretly had cremated over 2,000 bodies in Tarn Taran; of these, 585 bodies had been identified fully, 274 had been identified partially, and 1,238 were unidentified. Most reportedly were killed by Border Security Force personnel while they were attempting to enter the country from Pakistan, were unidentified victims of accidents or suicide, or died in clashes between militant factions. However, 424 persons apparently were militants killed in the interior of the district, 291 of whom subsequently were identified. These numbers demonstrate the extent of the violence during those years and, given the pattern of police abuses prevalent during the period, credibly include many persons killed in extrajudicial executions. The NHRC is seeking to obtain compensation for the families of those victims whose remains were identified, but the Government has challenged the NHRC's jurisdiction in the cases. In September 1998, the Supreme Court upheld the right of the NHRC to investigate the cases. In August 1998, the Committee for the Coordination on Disappearances in Punjab (CCDP) member and former Supreme Court Justice Kuldeep Singh presented the Chief Minister of Punjab with a list of approximately 3,000 persons who either were missing or had died in encounters with security forces during the period of unrest in Punjab. Former Justice Singh also announced that the CCDP would form a threemember commission to investigate the mass cremations. The Commission received little cooperation from state government authorities and made little progress during the year (see Section 4).

Amnesty International in its April report on human rights defenders in the country expressed concern that Punjab police officials continued to obstruct the judicial inquiry into the death of human rights monitor Jaswant Singh Khalra, hindering efforts to probe the Tarn Taran cremations. Khalra was investigating the cremation of unidentified bodies by Tarn Taran police. Several witnesses observed Punjab police officials arrest Khalra outside his Amritsar home in September 1995. Police officials subsequently denied that they had arrested Khalra, and he has not been seen since. In July 1996, following its investigation, the CBI identified nine Punjab police officials as responsible for Khalra's abduction and recommended their prosecution.

One of the suspects subsequently died, reportedly by suicide; none of the others were charged by year's end. One human rights organization credibly alleged that police intimidated a witness in the case in August, threatening to kill him if he testified against them. These events prompted extended public debate over the accountability of Punjab police for abuses committed while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials either were facing charges, were prosecuted, or were under investigation for human rights abuses at year's end.

There are credible reports that police throughout the country often do not file required arrest reports. As a result, there are hundreds of unsolved disappearances in which relatives claim that an individual was taken into police custody and never heard from again. Police usually deny these claims, countering that there are no records of arrest. In Manipur 14-year-old Yumlebam Sanamacha of Thoubal district has been missing since soldiers arrested him in February 1998. The army reportedly detained him because of his alleged links with insurgent groups. The All-Manipur Students' Union petitioned the Guwahati High Court for Sanamacha's release. The Court ordered the army to produce the boy, but it failed to do so and his whereabouts remain unknown. On May 5, 1999, police in Siliguri, West Bengal, arrested 14-year-old Pinter Yadav and his 9-year-old cousin. According to local human rights monitors, the boys were beaten and, when Pinter began to vomit blood, he was taken to a local police station. He has not been seen since, and efforts by family members to petition police for information were unsuccessful.

Militants in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, seek the release of detained comrades, and extort funds. Sometimes kidnaped persons later were killed (see Sections 1.a. and 1.g.). According to government figures, there were 634 kidnappings in the northeastern states during 1999. There were no significant new developments in the case of the 1995 kidnappings of American, British, German, and Norwegian nationals, despite police cooperation with foreign diplomats.

On April 15, the BNLf abducted two officials of the Mizoram Public Health Engineering Department. The rebels released the captives on May 16, after the intervention of three local church leaders. On April 19, members of the Reang ethnic minority abducted a teacher in Aizawl, Mizoram. On May 13, NLFT guerillas abducted two tea garden staff from Kailashahar. On May 14, NLFT militants injured three persons and abducted three others in Udaypur (see Section 1.c.). Also on May 14, tribal guerillas abducted three persons and set a number of houses on fire in Radhakishorpur and Kanchanpur, Tripura. On May 15, NLFT militants killed four persons and abducted three others in west and south Tripura (see Section 1.a.). CPM sources allege that all of the victims were CPM supporters, and that the NLFT was punishing them for voting for the CPM in the council elections. On May 17, the NLFT shot two villagers whom they had kidnaped from Manu on February 28. On May 23, NSCN(K) supporters abducted seven persons in Borduria village, Tirap district, Arunachal Pradesh. On May 26, ATTF killed a tribal person and kidnaped four other persons (see Section 1.a.). On May 31, an NLFT militant abducted CPM worker Ajit Debbarma from Jampuijala, West Tripura. On June 6, in the Andaman Islands, Tamil immigrants from Sri Lanka abducted and took hostage Manoranjan Bhakta, a former Congress Party Member of Parliament, for more than 24 hours on Katchal Island. On June 14, the Manipur based Hmar People's Conference (HPC) released the two engineers and four technicians of the Northeastern Electric Power Corporation (NEEPCO) who were abducted on March 31 from Mizoram. On June 22, NLFT rebels kidnaped a tribal family in Khowai. On June 29, tribal militants abducted seven nontribals in Melaghar, Gandacherra and Brahmacherra. On July 3, North Tripura tribal guerillas kidnaped a nontribal youth; in retaliation a mob killed an elderly tribal woman and burned down a number of houses. Also on July 3, NLFT militants abducted the manager of Golakpur Tea estate in north Tripura. On July 4, tribal militants in Dhalai, Tripura, kidnaped a health department official. On July 14, tribals set fire to more than 150 houses, injured 3 persons, and kidnaped another in Teliamura. On July 23, NLFT militants kidnaped four tribals from a Garo colony in South Tripura. On August 16, nine Tripura villagers were kidnaped in Brahmachhara Udaypur subdivision. On August 17, militants abducted three persons from Manu and killed a villager at Panisagar (see Section 1.a.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, torture is common throughout the country, and authorities often use torture during interrogations. In other instances, they torture detainees to extort money and sometimes as summary punishment.

In 1997 the U.N. Special Rapporteur on Torture reported that the security forces systematically torture persons in Jammu and Kashmir in order to coerce them to

confess to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information is not made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

In May the NHRC ordered the government of Jammu and Kashmir to pay \$4,395 (200,000 rupees) to the family of Ghulam Rasool, following its investigation into Rasool's 1996 death while in police custody in Kathua, Jammu and Kashmir. Police arrested Rasool in Kathua on October 31, 1996. He was found dead in his cell the following day. The autopsy showed that the cause of death was cardiorespiratory arrest arising from the dislocation of the spine. It also showed that Rasool had suffered injuries to his scalp, face, back, left eye, and both arms and legs. The NHRC concluded that police had tortured Rasool to death. It further directed the Jammu and Kashmir government to initiate legal proceedings against the police officials responsible. Human rights monitors maintain that there is a similar pattern of security force abuses in the northeastern states. On July 28, members of the Assam Rifles arrested Khurajam Pranam of Bishenpur, Manipur and allegedly tortured him for 2 days before turning him over to local police. Pranam survived and underwent treatment in Imphal Hospital. On August 18, the Guwahati High Court directed the Manipur government to ensure that Pranam was not harmed in the hospital, and to allow family members to visit him. Police abuses against indigenous people include torture (see Section 5).

The U.N. Special Rapporteur on Torture noted in 1997 that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims die in custody, and others are afraid to speak out, there are few firsthand accounts, although marks of torture often have been found on the bodies of deceased detainees. The U.N. Special Rapporteurs on Torture and on Extrajudicial Killings renewed their requests to visit the country during the year, but the Government did not permit them to do so (see Section 4).

The prevalence of torture by police in detention facilities throughout the country is supported by the number of cases of deaths in police custody (see Section 1.a.). Delhi's Tihar jail is notorious for the mistreatment of prisoners, with 1 of every 11 custodial deaths occurring there. Police and jailers typically assault new prisoners for money and personal articles. In addition police commonly torture detainees during custodial interrogation. Although police officers are subject to prosecution for such offenses under Section 302 of the Penal Code, the Government often fails to hold them accountable. On April 20, police in Gujarat allegedly beat to death Colonel Pratap Save in a local police station (see Section 1.a.). The PUCL reported that police tortured to death Sudath Kumar in Moodabidri police station, Karnataka, on May 30 to 31 (see Section 1.a.). Human rights groups allege that police in Andhra Pradesh tortured and then hanged an unarmed suspected Naxalite, Chandraiah, on June 10 (see Section 1.a.). On August 4, Krishna Pada Seal died, just after he and his family were released from prison; according to the PUCL, prison officials tortured them during detention (see Section 1.a.). The PUCL alleged that police in Mangalore district, Karnataka, were responsible for the August 29 custodial death of Sudath Kumar Jain, a 40-year-old local film projectionist who died in a hospital after sustaining injuries (see Section 1.a.). During the year, Amnesty International expressed concern about the September 1999 torture death of 21-year-old Devinder Singh (see Section 1.a.).

The U.N. Special Rapporteur on Torture stated in 1997 that, in Jammu and Kashmir, torture victims or their relatives reportedly have had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition the Armed Forces (Jammu and Kashmir) Special Powers Act provides that unless approval is obtained from the central Government, no "prosecution, suit, or other legal proceeding shall be instituted . . . against any person in respect of anything done or purported to be done in exercise of the powers of the act." This provision allows the security forces to act with virtual impunity.

There also were incidents in which police beat journalists (see Section 2.a.), demonstrators (see Section 2.b.), and Muslim students (see Section 2.c.). Police also committed abuses against tribal people (see Section 5).

The rape of persons in custody is part of the broader pattern of custodial abuse. Limits placed on the arrest, search, and police custody of women appear effectively to limit the frequency of rape in custody, although it does occur on occasion. According to HRW, in February in Tamil Nadu, 12 women were detained illegally, tortured, and repeatedly sexually assaulted in custody, because of their ties to a suspected robber who had himself died in police custody. In addition to the 12 women, police detained and beat the young sons of suspected robbers, according to a local

human rights organization. The same organization reported that the victims declined to press charges against the police. On September 3, Captain Ravinder Singh Twatir of the 12th Battalion, Rashtriya Rifles, was sentenced to 7 years of rigorous imprisonment and dismissed from the army for raping a girl in Naugam village, Doda district, Jammu and Kashmir on February 14. As of September no action had been taken against an alleged accomplice in the rape, special police officer Bharat Bhusan. The NHRC received a report of only one case of custodial rape between April 1997 and March 1998. The 24-hour reporting requirement applies to custodial rape as well as custodial death. However, the requirement does not apply to rape by policemen outside police stations. NGO's claim that rape by police, including custodial rape, is more common than NHRC figures indicate. Although evidence is lacking, a higher incidence of abuse appears credible, given other evidence of abusive behavior by police and the likelihood that many rapes go unreported due to a sense of shame and a fear of retribution among victims.

Human rights monitors allege that on July 19, central reserve police force personnel raped a tribal housewife in Lamdam village, Manipur. They allege that the rape was committed in retaliation for an attack carried out on a CRPF patrol by People's Liberation Army militants the previous day (see Section 1.g.).

There is a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas (see Section 1.g.), but it is not included in NHRC statistics because it involves military forces.

From April 1998 to March 1999, the NHRC received 1,297 complaints of custodial death (1,114 in judicial custody and 183 in police custody), no cases of custodial rape, and 2,252 complaints of other police abuses. By year's end, the NHRC had not released the statistics of its actions against police during this time period. However, from April 1997 to March 1998, the NHRC received 1,012 complaints of custodial death (819 in judicial custody and 193 in police custody), 1 case of custodial rape, and 1,413 complaints of other police excesses. As a result of NHRC action during this earlier period, criminal prosecutions were brought against 43 persons; departmental action was taken against 60 officers, 51 of whom were placed under suspension; and monetary compensation in amounts ranging from \$1,100 (50,000 rupees) to \$2,100 (100,000 rupees) were recommended for payment in 20 cases.

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (see Sections 5, 6.c., and 6.f.).

Police corruption undermines efforts to combat trafficking in women and children (see Section 6.f.).

Security forces killed and injured numerous militant group members, many in so-called encounter deaths, particularly in Jammu and Kashmir and the northeastern states (see Section 1.a.).

Militant groups sometimes used automatic weapons, hand grenades, bombs, landmines, and other weapons in political violence in Jammu and Kashmir and the northeastern states; numerous security forces and civilians were killed and injured.

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (see Sections 1.a., 1.g., and 5).

Some militant groups in the northeast have used rape as a tactic to terrorize the populace; however, no cases are known to have been reported during the year.

Prison conditions are very poor. Prisons are severely overcrowded, and the provision of food and medical care frequently is inadequate.

Prisons operate above capacity because of thousands of prisoners awaiting hearings (see Section 1.d.). For example, in Bihar 80 percent of prisoners are unconvicted remand prisoners awaiting completion of their trials. Delhi's Tihar jail, with a designed capacity of 3,300 persons, houses 9,000 prisoners. Birsa Munda jail in Ranchi, Bihar, designed to hold 364 persons, houses more than 1,800 male and female prisoners. In May the PUCL visited Sakchi jail, Jamshedpur, Bihar, following complaints of abuse of prisoners. The human rights activists found that the prison, designed to hold 200 prisoners, housed 786 persons, of whom only 55 had been convicted; the rest were at various stages of the judicial process. Amnesty International reported that overcrowding in Arthur jail, Mumbai, led to rioting on June 19. Designed to hold 50 prisoners, Arthur jail has 180 inmates. Prison guards reportedly attacked inmates with razors and wooden poles to quell rioting that erupted following a fight between two prisoners. Forty inmates were injured in the incident. An August 3 report from Aizawl, Mizoram, stated that its central jail, designed to house 500 prisoners, had 846 inmates. The NHRC reported in February on its November 1999 visits to jails in Guwahati and Shillong. In Guwahati the commission found 780 inmates in a district jail designed to hold 507 (see Section 1.d.). In Shillong the commission found 374 inmates in the central jail, which was designed to hold 150 persons. One of the inmates was a 10- or 11-year-old girl

awaiting trial. The Government prepared a national prison manual during the year to facilitate reform. It also continued to provide financial aid to the states. However, the Prison Act of 1894 remains unamended. According to the SAHRDC, in the poorest states, such as Bihar, where 265 police stations have no lock-up facilities, the lack of prisons led police to shackle prisoners to trees. An NHRC investigatory team visiting Meerut jail in Uttar Pradesh in 1998 found about 3,000 inmates in a facility designed to hold 650 persons. As a result of this and other jail visits, the NHRC hired a consultant to draft the prison reform bill to be submitted to the Government. The draft bill, meant to be enacted by the national Parliament, encountered opposition from state governments asserting that prison management is the responsibility of the states. No new initiatives were taken on the bill during the year. The 1,114 deaths in judicial custody in 1998–99, occurring in a prison population of approximately 246,000 persons, many of whom are held for years, include a large proportion of deaths from natural causes that, in some cases were aggravated by poor prison conditions (see Section 1.a.). A study conducted by the NHRC in 1997–98 found that tuberculosis was the cause of death in 76 percent of deaths in judicial custody. Deaths in police custody, which typically occur within hours or days of initial detention, more clearly imply violent abuse and torture. The NHRC has no authority to investigate abuses by security forces directly, and security forces in Jammu and Kashmir and the northeastern states are not required to report custodial deaths to the Commission.

With the exception of an agreement with the ICRC for visits to detention facilities in Jammu and Kashmir, the Government does not allow NGO's to monitor prison conditions (see Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provide evidence of growing public awareness of the problem. The NHRC has identified torture and deaths in detention as one of its priority concerns. In 1998 it created a "Special Rapporteur and Chief Coordinator of Custodial Justice" to help implement its directive to state prison authorities to ensure that medical check-ups are performed on all inmates. In June the country's first women's correctional facility was opened in the Tihar complex in New Delhi.

*d. Arbitrary Arrest, Detention, or Exile.*—During the early 1980's, the Government implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgencies, and there were credible reports of widespread arbitrary arrest and detention under these laws during the year.

Although the law that had been subject to the most extensive abuse, the TADA, lapsed in May 1995, 1,502 persons previously arrested under the act continued to be held as of January 1, 1997, in a number of states, according to the NHRC's 1996–97 report. Human rights sources estimate that about 1,000 persons remained in custody under TADA or related charges at year's end. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In 1997 the Government asserted that every TADA case would be reviewed. However, few persons have been released as a result of the review. Criminal cases are proceeding against most of those persons still held under the TADA, with more than 3,000 charged under other laws in addition to the TADA. In 1996 the Supreme Court eased bail guidelines for persons accused under TADA, taking into account the large backlog of cases in special TADA courts. In March 1999, the state minister for home affairs told the Jammu and Kashmir state assembly that 16,620 persons had been detained under the TADA in the state since 1990; of these, 1,640 were brought to trial and 10 were convicted. TADA courts use abridged procedures. For example, defense counsel is not permitted to see witnesses for the prosecution, who are kept behind screens while testifying in court. Also, confessions extracted under duress are admissible as evidence. The special task force established by the state police forces of Karnataka and Tamil Nadu to capture a bandit hiding in forests in the border area between the 2 states had arrested some 121 persons under the TADA prior to the law's lapse; 51 of these persons were in custody at year's end.

During the year, the Government sent a draft Prevention of Terrorism Bill, 2000 to the Law Commission of India for review and possible introduction in Parliament. The bill is similar to the TADA, in that it would permit summary trials and the hearing of testimony exacted under duress. It also would allow witnesses to testify in camera, without having to disclose their identities to the defense at any stage of the proceedings. In addition it would compel journalists to disclose to authorities any information regarding terrorist groups or actions, or face charges of terrorism against them. Finally, the bill would require the law to be reviewed every 5 years, instead of every 2, which was the case with TADA. In August the NHRC issued an opinion stating that the new Prevention of Terrorism Bill was not necessary. Commenting on these and other provisions of the bill, the NHRC wrote: "These provi-

sions would seriously affect human rights guaranteed under the Constitution and violate basic principles of criminal jurisprudence as internationally understood." Similar bills are pending in the Madhya Pradesh and Andhra Pradesh state assemblies. If enacted they would provide for special courts to try offenses, place the burden of proof at the bail stage on the accused, make confessions to a police officer of the rank of superintendent of police admissible as evidence, extend the period of remand from 15 to 60 days, and set mandatory sentences for terrorism-related offenses. The Maharashtra state assembly enacted TADA-like legislation in November 1999. On September 6, the Mumbai Sessions Court issued the first conviction under the act, the Organized Crime (Control) Act. The court sentenced three alleged gang members to death on charges of conspiracy to murder former Mumbai mayor Milind Vaidya. The three persons have appealed their convictions to the Mumbai High Court. As of year's end, their case had not been heard.

The Constitution permits preventive detention laws in the event of threats to public order and national security. Under Article 22 of the Constitution, an individual may be detained—without charge or trial—for up to 3 months, and detainees are denied their rights or compensation for unlawful arrest or detention. In addition to providing for limits on the length of detention, the preventive detention laws provide for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) of 1980 permits the detention of persons considered to be security risks; police anywhere in the country (except Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions the authorities may detain a suspect without charge or trial for as long as a year on loosely defined security grounds. The state government must confirm the detention order, which is reviewed by an advisory board of three High Court judges within 7 weeks of the arrest. NSA detainees are permitted visits by family members and lawyers, and must be informed of the grounds for their detention within 5 days (10 to 15 days in exceptional circumstances). According to the Government, 1,163 persons were being held under the NSA at the end of 1997. The NSA does not define "security risk." Human rights groups allege that preventive detention may be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. Any court may not overturn such a decision.

The Jammu and Kashmir Public Safety Act (PSA) of 1978 covers corresponding procedures for that state. Over half of the detainees in Jammu and Kashmir are held under the PSA. Jammu and Kashmir police reported that 514 persons were being held under the PSA as of December 1998. In September and November 1999 alone, the Jammu and Kashmir police arrested 25 members of the Kashmiri separatist All Parties Hurriyat Conference (APHC). The arrests followed a series of terrorist attacks in the state for which members of this group allegedly were responsible (see Sections 1.a., 1.g., and 4). On April 4, the Government released 3 of the 25 persons; in May it released 11 more of the APHC detainees and attempted to initiate a dialog with the APHC. By year's end, all of the remaining APHC detainees were released; no charges were brought against any of them. In December 1999, Shabir Shah, president of the Jammu and Kashmir Democratic Freedom Party, was released. At the time of Shah's release, Amnesty International expressed concern about the 25 arrested leaders of the APHC and explicitly suggested that the charges were politically motivated.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by counsel, and, unless held under a preventive detention law, to appear before a magistrate within 24 hours of arrest. At this initial appearance, the accused either must be remanded for further investigation or released. The Supreme Court has upheld these provisions. The accused must be informed of their right to bail at the time of arrest and may, unless held on a nonbailable offense, apply for bail at any time. The police must file charges within 60 to 90 days of arrest; if they fail to do so, court approval of a bail application becomes mandatory.

In November 1997, the Supreme Court upheld the constitutional validity of the Armed Forces Special Powers Act (AFSPA) of 1958. In a representation made to the NHRC, the SAHRDC asserted that the act's powers were "too vast and sweeping and pose a grave threat to the fundamental rights and liberties of the citizenry of the (disturbed) areas covered by the act." The SAHRDC asserted that the powers granted to authorities under Section 3 of the act to declare any area to be a "disturbed area," and thus subject to the other provisions of the act, were too broad. Moreover, the SAHRDC noted that Section 4(a) of the act empowers any commissioned officer, warrant officer, noncommissioned officer, or any other person of equivalent rank in the armed forces to fire upon and otherwise use force, even to the point of death, if he believes that it is necessary for the maintenance of law and order. Further, Section 6 of the act states that "no prosecution, suit or other legal

proceedings shall be instituted, except with the previous sanction of the central Government against any person in respect of anything done or purported to be done in exercise of powers" conferred by the act.

The court system is extremely overloaded, resulting in the detention of numerous persons awaiting trial for periods longer than they would receive if convicted. Prisoners may be held for months or even years before obtaining a trial date. According to a reply to a parliamentary question in July 1994, more than 111,000 criminal cases were pending in the Allahabad High Court, the most serious case backlog in the country, of which nearly 29,000 cases had been pending for 5 to 8 years. A statement to Parliament in July 1996 indicated that criminal and civil cases pending before the country's high courts numbered nearly 2.9 million in 1995, roughly the same as in 1994, but an increase from 2.65 million in 1993. According to the Union Home Ministry, the total number of civil and criminal cases pending for 3 or more years in all courts throughout the country was 5,116,895 on December 31, 1998. In its most recent report, the NHRC reported that nearly 80 percent of all prisoners held between April 1996 and March 1997, were so-called "undertrials," i.e., unconvicted remand prisoners awaiting the start or conclusion of their trials. In its 1997-98 report, the NHRC stated that it "remains deeply disturbed by the presence of a large number of under trial prisoners in different jails in the country." In March 1999, the chairman of the NHRC said that 60 percent of all police arrests were "unnecessary and unjustifiable," and that the incarceration of those wrongly arrested accounted for 43 percent of the total annual expenditure on prisons. The NHRC reported in February on its November 1999 visits to jails in Guwahati (see Section 1.c.). The Commission found that 90 percent of the 780 inmates were unconvicted prisoners awaiting completion of trial. On February 27, the NHRC directed the Orissa government to pay \$1,000 (50,000 rupees) as interim relief to a 16-year-old boy who was victim of illegal detention and torture by police at Kandhamal. Accused of theft, the boy was sent to a regular prison to await trial, rather than a juvenile home. In March the NHRC reported that it had directed the West Bengal government to pay \$1,000 (50,000 rupees) in compensation to the court guardian of a 12-year-old girl who was in the custody of the West Bengal police for nearly a decade because she was the sole witness to her parents' murder. On July 9, Bihar police registered a case against then-Bihar Minister of State for Cooperatives Lalit Yadav, his cousin, and four others for alleged illegal detention and torture of a truck driver and cleaner at the minister's residence. The complaint alleges that Yadav kept the two men in wrongful confinement for a month, beat them, and tortured them. The two men's toenails allegedly were pulled out and they were forced to drink urine. Yadav was dismissed from his state government post and from his political party membership.

On November 28, the Government announced that it was allocating \$108.15 million (5.03 billion rupees) to state governments for the creation of 1,734 additional courts during 2000-2005, in order to hear more cases and reduce the number of remand prisoners.

In June 1997, Rongthong Kunley Dorji, a Bhutanese dissident, was placed in judicial custody pending review of an extradition request from the Government of Bhutan on charges that included political offenses as well as financial malfeasance. On June 12, 1998, Dorji was released on bail following the New Delhi High Court's decision to deny a government appeal and let stand a lower court's order to grant bail in the case. Dorji still awaits conclusion of his extradition hearing.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—There is an independent judiciary with strong constitutional safeguards. Under a Supreme Court ruling, the Chief Justice, in consultation with his colleagues, has a decisive voice in selecting judicial candidates. The President appoints judges, and they may serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

Courts of first resort exist at the subdistrict and district levels. More serious cases and appeals are heard in state-level high courts and by the national-level Supreme Court, which also rules on constitutional questions. State governments appoint subdistrict and district judicial magistrates. High court judges are appointed on the recommendation of the federal law ministry, with the advice of the Supreme Court, the High Court Chief Justice, and the chief minister of the State, usually from among district judges or lawyers practicing before the same courts. Supreme Court judges are appointed similarly from among High Court judges. The Chief Justice is selected on the basis of seniority.

When legal procedures function normally, they generally assure a fair trial, but the process often is drawn out and inaccessible to poor persons. Defendants have the right to choose counsel from attorneys who are fully independent of the Govern-

ment. There are effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to the indigent.

The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secrets, trials in which statements prejudicial to the safety of the state might be made, or under provisions of special security legislation. Sentences must be announced in public.

Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The Government does not interfere in the personal status laws of the minority communities, with the result that personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functions due to threats by militants against judges, witnesses, and their family members; because of judicial tolerance of the Government's heavy-handed antimilitant actions; and because of the frequent refusal by security forces to obey court orders. Courts in Jammu and Kashmir are reluctant to hear cases involving terrorist crimes, and fail to act expeditiously on habeas corpus cases, if they act at all. There were a few convictions of alleged terrorists in the Jammu High Court during the year. Many more accused militants have been in pretrial detention for years. On April 1, the Jammu and Kashmir Home Minister submitted a written statement to the state assembly acknowledging that 115 foreign militants (primarily from Pakistan, but reportedly also from Afghanistan and Tajikistan) jailed in the state and elsewhere had not been tried, despite the fact that many of them had been imprisoned for 10 years (see Section 1.d.).

Criminal gangs in all four southern states have been known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons have been attacked while being escorted by police to the courts.

The U.N. Special Rapporteur on the Independence of the Judiciary requested to visit the country during the year, but the Government did not grant the Rapporteur permission to do so.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The police must obtain warrants for searches and seizures. In a criminal investigation, the police may conduct searches without warrants to avoid undue delay, but they must justify the searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

The government Enforcement Directorate (ED), which is mandated to investigate foreign exchange and currency violations, searches, interrogates, and arrests thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicts very few persons. In 1997 only 28 persons out of thousands arrested were convicted, according to the Times of India.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or "in the interest of the public safety or tranquillity." Every state government has used these powers, as has the central Government.

In early January, soldiers set fire to 47 shops in an open market in Pattan Town, northern Kashmir Valley, in retaliation for a nearby ambush in which militants killed 2 soldiers. The army used gasoline to spread the blaze and shot at fire trucks that arrived on the scene. Human rights activists were unaware of any effort to hold security force members accountable for the rampage in Pattan Town; government information on action against suspects was unavailable.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Government forces continue to commit numerous serious violations of humanitarian law in the disputed state of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces are deployed in Jammu and Kashmir. The Muslim majority population in the Kashmir valley suffers from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, both passed in July 1990, security force personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace, and to destroy structures suspected of harboring militants or arms.

The Union Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. It reported that 84 such deaths occurred in Jammu and Kashmir in 1996–1997. The security forces continue to abduct and kill suspected militants; the security forces have not accepted accountability for these abuses. Many commanders' inclination to distance

their units from such practices has led to reduced participation in them and a transfer of some of these abuses to government-supported countermilitants.

According to credible reports, in addition to harassment during searches and arbitrary arrests (see Section 1.d.) security forces abduct and sometimes use civilians as human shields in night patrolling and searching for landmines; the abuses so far have occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly have been underreported greatly.

The spring and summer 1999 incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control near Kargil in the state of Jammu and Kashmir resulted in an increased counterinsurgency campaign, accompanied by repressive offensive measures. According to a credible government source, as of early December 1999 over 450 militants had been killed since the Kargil conflict began. That trend continued, with official sources reporting that security forces had killed 1,062 militants during the first 9 months of the year. In September 1999, then-chief of army staff Gen. Ved Malik said that security forces were killing 150 to 160 militants every month in Jammu and Kashmir.

Kashmiri militant groups also committed serious abuses.

Militants carried out several execution-style mass murders of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir (see Sections 1.a. and 5). On March 20, suspected militants killed 35 Sikhs in Chatisinghpura village, Anantnag district (see Sections 1.a. and 5). On April 26, militants invaded a home in Golgam village and killed four members of a Hindu family. On July 30, militants hurled a hand grenade into a jeep carrying Hindu religious pilgrims near Gulmarg, killing one person and injuring five others (see Section 5).

In addition to political killings, kidnappings, and rapes of politicians and civilians (see Sections 1.a., 1.b., and 1.c.), insurgents engaged in extortion and carried out acts of random terror that killed hundreds of Kashmiris. Many of the militants are not citizens but Afghani, Pakistani, and other nationals. Since the 1990's, the militants have made liberal use of timedelayed explosives, landmines, hand grenades, and snipers. Militants previously had restricted landmine use to army convoys traveling outside of major cities, but during the year they began using command detonated landmines in Srinagar city. There was a significant upsurge in militant violence against security forces, and a tendency to use heavy weapons such as hand grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property; many civilians also were killed. On January 3, a bomb explosion in a Srinagar market killed 16 persons, including 3 security force members. On February 10, militants planted a bomb on a Calcutta-bound train. The bomb exploded near Vijaypur, Jammu district, killing two persons and injuring four others. On March 27, militants hurled hand grenades at a police patrol in Bandipora town, killing 3 civilians and injuring 11 others. On April 12, militants exploded a powerful car bomb in Rawalpura on the outskirts of Srinagar as an army convoy was passing by; one civilian was injured in the blast. On April 19, a 15-year-old boy recruited by militants died in an explosion when he attempted to drive an explosivesladen car into army headquarters, Badamibagh Cantonment, Srinagar; four soldiers and three civilians were injured in the attack. Also on April 19, in Baramulla, 2 students, aged 17 and 11, were killed and 20 passersby were injured when militants hurled a hand grenade at a security force vehicle convoy and missed; the hand grenade exploded in a market in Sopore town. On April 22, a group of militants attacked an army post in Punch district, killing two soldiers. On April 26, militants detonated a homemade bomb in Gharanarial, Jammu, killing five Border Security Force members. On April 29, an 18-year-old student was killed and four police personnel were injured when militants detonated an explosive device in Sher Bagh, Anantnag district. On May 10, four soldiers were killed when their vehicle hit a landmine planted by militants at Nihalpura village, Baramulla district. On May 15, Ghulam Hasan Bhatt, Minister of Power, Jammu and Kashmir state, his driver, two body guards and radioman were killed when militants detonated a landmine under their passing vehicle. On May 16, one soldier was killed and two others were injured when militants fired rockets at an army camp in Sudru village, Banihal. Sixteen persons were killed, including 11 militants, 3 civilians, and a soldier, when militants armed with rockets and hand grenades attacked an army camp at Khundroo, Anantnag on June 1. On August 10, in Srinagar, a car bomb explosion set by militants killed 10 persons and injured approximately 30 others. The car bomb explosion occurred just minutes after police and journalists had rushed to, and civilians had vacated, the site of a hand grenade attack. On August 21, a landmine blast in Kupwara district killed three security force personnel, including a senior-level brigadier. On August 24, a landmine injured five security force personnel when a vehicle drove over it in Puthkhai, northern Kashmir. On September 23, two bomb explosions killed seven civilians in Sangalsan village, Udhampur. On October 8,

three Border Security Force members were injured when their bus struck a landmine planted by militants near Khooni Nala village. On October 20, two soldiers were killed in Udampur district when militants detonated an improvised explosive device that they had strapped to a mule and sent into the army camp. On November 28, shortly after the beginning of the Government's unilateral ceasefire for the holy month of Ramadan, a landmine blew up an army truck, killing 3 soldiers and wounding 12 others; Hizbul Mujaheddin claimed responsibility. On December 5, a landmine explosion in the Adipora area of Baramulla district injured three soldiers.

Extremist and terrorist activities in the northeast claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges, and the laying time bombs on roads, on railway tracks, and in trains. On February 27, Assam Minister for Public Works and Forests Nagen Sharma and four others were killed when suspected ULFA militants detonated an explosive device as the minister's vehicle passed a near NijBahjani, Nalbari district. On March 5, suspected ULFA militants attempted to kill a second Assam minister, Hiranya Konwar. They detonated an improvised explosive device as the minister's car neared Rongali Doegarh, Sivasagar district; no persons were injured in the attack. On May 20, 5 persons were killed and 11 others were injured when militants threw a hand grenade into a passing jeep at Manikerbasti, west Tripura. Also on May 20, UBLF militants lobbed bombs at a passenger jeep from north Maharanipur in Khowai, killing 5 tribals and injuring 11 others. On May 21, 15 persons were killed when suspected NLFT militants threw hand grenades at Bengali villagers in Baghber village, Tripura. The militants then attacked villagers with machetes and set fire to 60 homes in the village. On October 23, suspected ULFA militants killed 15 persons and wounded 8 others in 2 separate attacks. The first occurred in the Kakogam Market, Tinsukia district, where militants fired automatic guns at civilians, killing 11 persons. The second attack occurred at Naoholia, Dibrugarh district where militants indiscriminately fired at civilians, killing four persons and injured five others.

On February 12, a Naxalite mine blast killed 21 persons in Bihar (see Section 5). On March 7, Naxalites killed Andhra Pradesh minister for local government A. Madhava Reddy in a landmine explosion near Hyderabad. Reddy was returning from a political rally. As home minister in the state from 1994–95, Reddy had overseen anti-Naxalite operations. In a letter to the PUCL, G.N. Saibaba, general secretary of the All India People's Resistance Forum; Varavara Rao, executive member of the Revolutionary Writers Association; and Gadar, general secretary of the All India League for Revolutionary Culture alleged that police had summarily executed three unarmed members of CPI(M) on February 1. The three writers alleged that police detained the three victims—Kumar, Sujanta and Venkanna—in the Musmi village, Warangal district. The PUCL alleges that police killed five women in an April 27 encounter in the Chandragiri Hills, Warangal district, Andhra Pradesh. According to the human rights organization, police surrounded the women and lobbed hand grenades at them, killing them.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and brought charges against some suspects. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well as against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there are some limitations. A vigorous and growing press reflects a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly publish investigative reports and allegations of government wrongdoing, and the press generally promotes human rights and criticizes perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories; however, while the Government at times interprets this power broadly to suppress criticism of its policies, the Government nonetheless introduced a right to information bill in the 2000 Monsoon Session of Parliament. However, during the year the bill lapsed; it must be reintroduced if Parliament is to take any further action on it.

The 1971 Newspapers Incitements to Offenses Act remains in effect in Jammu and Kashmir. Under the act, a district magistrate may prohibit the press from publishing material resulting in incitement to murder or any act of violence. As punishment the act stipulates that the authorities may seize newspapers and printing presses. Despite these restrictions, newspapers in Srinagar, the capital of Jammu and Kashmir, report in detail on alleged human rights abuses by the Government,

and regularly publish press releases of militant Kashmiri groups. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with militant leaders and filed reports on government abuses.

In Assam the state government has attempted to impede criticism by filing a number of criminal defamation charges against journalists.

In October 1998, the Manipur government announced curbs on the publication of insurgency-related news. The publication of insurgents' press releases, public invitations to slain militants' funerals, and calls to boycott Republic Day and Independence Day functions were prohibited. Penalties for violating the prohibition included arrest and criminal prosecution of newspaper owners and editors, and cancellation of newspapers' registration. These restrictions continued during the year.

The Press Council of India is a statutory body of journalists, publishers, academics, and politicians, with a chairman appointed by the Government. Designed to be a self-regulating mechanism for the press, it investigates complaints of irresponsible journalism and sets a code of conduct for publishers. This code includes a commitment not to publish articles or details that might incite caste or communal violence. The Council publicly criticizes newspapers or journalists it believes have broken the code of conduct, but its findings, while noted by the press community, carry no legal weight.

At the state level, regional political parties have the ability to control regional media. In some instances, allegations of violence against journalists have been made against state governments. According to Reporters Without Borders, on July 6, a magistrate in Sibsagar town, Assam, beat Parag Saikia, a journalist of the daily newspaper Aji. The magistrate reportedly had summoned the journalist for publishing a July 1 article about the local authorities' alleged involvement in corruption. The journalist later was admitted to the hospital with various injuries. Between July and August, in the state of Andhra Pradesh, state police obstructed or attacked journalists and photographers in at least 10 different cities as they attempted to report on civil disturbances resulting from protests over power tariff hikes. The Andhra Pradesh Journalists' Union claims that the state chief minister of Andhra Pradesh played a role in the dismissal of the editor of the Telugu daily newspaper Andhra Prabha. The editor reportedly was fired for publishing stories critical of the state government's power policy.

Nonviolent pressure on journalists comes from official sources as well: the editor of the vernacular daily newspaper Naharolgi Thoudang was arrested on charges of indulging in anti-national activities. He was released after a court ruled that the allegation was baseless. In Assam a similar incident occurred as police intercepted the editor of the largest circulating Assamese daily in April, accusing him of having participated in a function organized by a militant organization. In April the Assam Human Rights Commission requested the police to report on the detention of Asomiya Pratidin editor Haider Hussain for visiting an ULFA camp in Bhutan; police detained Hussain in the first week of March. The Commission cited the constitutional guarantee of freedom of expression; Hussain was released several days later. Some newspapers receive more than \$1.29 million (60 million rupees) annually in advertising revenue from the state government. The threat of losing this revenue contributes to self-censorship by smaller media outlets, which heavily rely on government advertising.

In Calcutta the Communist Party of India (Marxist) (CPI(M)) often threatens journalists; however, as the power of the party diminishes, journalists find it easier to criticize the government. At least nine journalists were injured while attempting to give a deputation to the director of information. The alleged assailants were state information officers, government employees owing allegiance to the Marxist government. In July alleged members of the CPI(M) severely beat a team of three reporters and a cameraman of ETV, a new vernacular cable television channel. Another reporter was injured severely in state finance minister Asim Dasgupta's constituency during municipal elections (see Section 3). On numerous occasions, CPI(M) supporters beat reporters of another Bengali cable channel, Khas Khobor. Earlier in the year, CPI(M) officially requested its supporters to boycott the channel. The matter was resolved when a former CPI(M) activist replaced the editor.

In the northeast part of the country, violence against journalists has become a problem and results in significant self-censorship. On August 20, two unknown assailants shot and killed Thounaojam Brajamani Singh, the editor of the Manipur News, a daily newspaper published in Manipur. According to Reporters Without Borders, two men on a motorcycle followed Singh after he left the newspaper office. They overtook Singh and shot him in the head at point-blank range; Singh was the only employee whom they targeted. Singh had received anonymous death threats on August 15. No one had claimed responsibility for the murder, and police investigations were ongoing by year's end. On August 26, militants bombed a newspaper of-

fice owned by an NGO at Konung Lampak, Manipur. Altogether, at least seven journalists have been killed in Assam over the past decade. There was no further information on the 1996 killing of journalist and human rights activist Parag Das in Assam (see Sections 1.a. and 4).

On July 31, V. Selvaraj, a journalist with the biweekly *Nakkeeran*, was shot and killed in Perambalur, Tamil Nadu. Thirteen persons were charged in connection with Selvaraj's killing. A motive for the killing has not been established; however, local police maintain that there was personal enmity between Selvaraj and his 13 assailants. The trial had not begun by year's end.

Intimidation by militant groups also causes significant self-censorship. According to the Committee to Protect Journalists, in January English-language newspapers throughout Gujarat received written notice from the Bajrang Dal, a radical Hindu nationalist group, threatening them with dire consequences if they continued to publish exaggerated reports of anti-Christian violence (see Sections 2.c. and 5). In 1999 Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities.

The Government maintains a list of banned books that may not be imported or sold in the country; some—like Salman Rushdie's "Satanic Verses" because they contain material government censors have deemed inflammatory.

On February 16, customs agents at the Calcutta airport blocked the distribution of 3,000 issues of *Time* magazine because they contained a 1-page interview with the brother of Mohandas Gandhi's assassin, which they deemed would be defamatory and derogatory to national prestige.

Television no longer is a government monopoly, but this is due more to technological changes than to government policy. Private satellite television is distributed widely by cable or dish in middle-class neighborhoods throughout the country. These channels have been providing substantial competition for Doordarshan (DDTV), the national broadcaster, in both presentation and credibility because DDTV frequently is accused of manipulating the news for the benefit of the Government; however, cable operators are not free of criticism. In some parts of the country, to varying degrees, satellite channel owners use their medium to promote the platforms of the political parties that they support.

In late summer the Government proposed measures to control objectionable content on satellite channels—specifically, tobacco and alcohol advertisements—that would hold cable distributors liable under civil law. As a result, cable operators in New Delhi and some other areas held a 3-day blackout during the Olympic Games to demonstrate the gravity of their concern. The Government since has clarified its position, stating that the (often foreign) satellite broadcasters, rather than the domestic cable operators, fall within the scope of the regulation.

AM radio broadcasting remains a government monopoly. Private FM radio station ownership was legalized during the year, but licenses only authorize entertainment and educational content. Licenses do not permit independent news broadcasting.

A government censorship board reviews films before licensing them for distribution. The board censors material deemed offensive to public morals or communal sentiment. During the year, Hindu fundamentalist groups resorted to violence and disrupted the shooting of "Water," a film involving the exploitation of widows, as they claimed it offended Hindu sentiments. A 1999 film by the same producer/director and cast, "Fire," which dealt with lesbianism and which had been cleared by the censor board, was not allowed to be screened in most states; only Madhya Pradesh and West Bengal took proactive steps to allow the film to be shown. At times offended Hindu mobs, led by members of the Shiv Sena, a Hindu fundamentalist political party, provoked violence at movie theaters that were able to show the film. The fact that the lead actress of both films was a Muslim exacerbated tensions. Producers of video newsmagazines that appear on national television are required to submit their programs to Doordarshan, the government television channel, which occasionally has censored stories that portrayed the Government in an unfavorable light. This has led to self-censorship among producers so that DDTV rarely has to exercise its power of censorship.

The Government does not limit access to the Internet.

Arundhati Roy's book "The Greater Common Good," which discusses the socio-environmental costs of the Sardar Sarovar dam, was serialized in magazines in the country during the year. In 1999 political parties in favor of the Narmada project burned copies of the book and successfully threatened bookstores in Gujarat to remove it from their shelves.

Citizens enjoy academic freedom, and students and faculty espouse a wide range of views. In addition to about 10 national universities and 256 state universities, states are empowered to accredit locally run private institutions.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The authorities sometimes require permits and notification prior to holding parades or demonstrations, but local governments ordinarily respect the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely are denied permits for public gatherings. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

Srinagar and other parts of Jammu and Kashmir occasionally came under curfew, but more often were affected by strikes called by militants.

On March 27, Calcutta police beat primary school teachers participating in a peaceful procession to the legislative assembly, after holding a meeting on demands they had made of the state government. On August 13 and 14, police killed 2 persons and injured 3 others after they fired on a crowd of 1,500 Muslims in Agra. The crowd had gathered to protest efforts by majority Hindus to prevent them from using a plot of land close to a Hindu temple. The minority community wanted to use the land, which was under the supervision of Muslim religious authorities, as a graveyard. Police allege that the protesters turned violent, throwing bombs and bottles filled with acid at police. The police maintain that they fired at the crowd with live ammunition only after efforts to quell the disturbance with tear gas and rubber bullets had failed. Some of the protesters told reporters that the police actions were unprovoked (see Sections 1.a. and 1.g.).

According to Amnesty International, in August the Gujarat government detained approximately 600 persons who were planning to attend a hearing on the Narmada dam (see Section 2.d.). The police charged the protestors with disturbing the peace and released them shortly after their arrests.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

In 1999 the Government introduced and enforced a new requirement that NGO's secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contend that the new requirement provides the Government with substantial political control of the work of NGO's, abridging of their freedom of assembly and association.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice; however, it sometimes does not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit that freedom. India is a secular state in which all faiths generally enjoy freedom of worship; government policy does not favor any religious group. However, tension between Muslims and Hindus, and to an increasing extent between Hindus and Christians, continues to pose a challenge to the secular foundation of the State (see Section 5). In addition governments at state and local levels only partially respect religious freedom.

Although the law provides for religious freedom, enforcement of the law has been poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances has abridged the right to religious freedom. In particular, some Hindu extremist groups continued to attack Christians during the year. In many cases, the Government response was inadequate, consisting largely of statements criticizing the violence against Christians, with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (see Section 5). Throughout the year, the Government generally described the violence and attacks as a series of isolated local phenomena, in some states calling for a national debate on conversions, which Hindus had advocated being banned.

The Government is led by a coalition called the National Democratic Alliance, which has pledged to respect India's traditions of secular government and religious tolerance. However, the leading party in the coalition is the Bharatiya Janata Party (BJP), a Hindu nationalist political party with links to Hindu extremist groups that have been implicated in violent acts against Christians and Muslims. The BJP also leads state governments in Gujarat, Himachal Pradesh, and Uttar Pradesh. Many BJP leaders and party workers are members of the Rashtriya Swayamsewak Sangh (RSS) and share some of its ideology. However, the BJP is an independent political party and the degree of RSS influence over its policy making is not clear. The RSS espouses a return to Hindu values and cultural norms. Members of the BJP, the RSS, and other affiliated organizations were implicated in incidents of violence and discrimination against Christians and Muslims. The BJP and RSS officially express respect and tolerance for other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens should adhere to Hindu cultural values. The BJP officially agrees that the caste system should be elimi-

nated, but many of its members are ambivalent about this. Most BJP leaders also are RSS members. The BJP's traditional cultural agenda includes calls for construction of a new Hindu temple to replace an ancient Hindu temple that was believed to have stood on the site of a mosque in Ayodhya that a Hindu mob destroyed in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions. In mid-October, the RSS held a 3-day rally in Agra, which more than 75,000 Hindus reportedly attended. Speaking at the rally, RSS chief K.S. Sudarshan sparked controversy when he called for banning foreign churches and creating a national Christian Church based on the Chinese model. Sudarshan reportedly also encouraged Christian citizens to free themselves from the strong influence of foreign countries by setting up Indian nationalistic churches. Of particular concern for minority groups was Home Minister L.K. Advani's highly publicized participation at the Agra rally and vocal support of the RSS on his return to New Delhi. All of these proposals are opposed strongly by some minority religious groups. The BJP-led national Government took no steps to implement these controversial measures and has promised that it would not do so during its tenure.

Human rights groups and others have suggested that the response by authorities in these states to acts of violence against religious minorities by Hindu extremist groups has been ineffective, at least in part because of the links between these groups and the BJP, and have noted that the ineffective investigation and prosecution of such incidents may encourage violent actions by extremist groups. Some Christian groups also claim that BJP officials at state and local levels have become increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country's radical Hindu groups.

The degree to which the BJP's nationalist Hindu agenda is felt throughout the country with respect to religious minorities varies depending on the region. In some states, governments took pains to reaffirm their commitment to secularism. In others, mainly in the south, religious groups allege that since the BJP's rise to power in the national Government, some government bureaucrats have begun to enforce laws selectively to the detriment of religious minorities. The situation in the east varied. For example, the Orissa government in November 1999 notified churches that religious conversions could not occur without notification of the local police and district magistrate. The Orissa Freedom of Religion Act of 1967 contains a provision requiring a monthly government report on the number of conversions, but this provision previously had not been enforced. After a conversion has been reported to the District Magistrate, the report is forwarded to the authorities and a local police officer conducts an inquiry. The police officer may recommend in favor of or against such intended conversion, often as the sole arbitrator on the individual's right to freedom of religion; if conversion is judged to have occurred without permission or with coercion, the authorities may take penal action. In Tripura there were reports of attacks on non-Christians by Christians.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion.

There are many religions and a large variety of denominations, groups, and subgroups in the country, but Hinduism is the dominant religion. According to 1999 statistics (based on the 1991 census), Hindus constitute 82.4 percent of the population, Muslims 12.7 percent, Christians 2.3 percent, Sikhs 2.0 percent, Buddhists 0.7 percent, Jains 0.4 percent, and others, including Parsis, Jews, and Baha'is, 0.4 percent.

The Religious Institutions (Prevention of Misuse) Act makes it a criminal offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The state of Uttar Pradesh passed the Religious Buildings and Places Act during the state assembly budget session of March-May. The act requires a state government-endorsed permit before construction of any religious building may commence in the state. During the year, West Bengal's government implemented 15-year-old legislation that requires any person desiring to construct a place of worship to seek permission from the district magistrate; any person intending to convert a personal place of worship to one for the community must obtain the district magistrate's permission.

The current legal system accommodates minority religions' personal status laws; there are different personal laws for different religious communities. Religion-specific laws pertain in matters of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminate against women. Under Islamic

law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. Under the Indian Divorce Act of 1869, a Christian woman may demand divorce only in cases of spousal abuse and certain categories of adultery; for a Christian man, adultery alone is sufficient. In May 1997, the Mumbai High Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce.

The Government was reviewing the legislation on marriage and drafted the "Christian Marriage Bill" during the year. The bill would replace the Indian Divorce Act of 1869, which is widely criticized as biased against women. If enacted it would place limitations on interfaith marriages and specify penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. The current form of the bill states that no marriage in which one party is a non-Christian may be celebrated in a church. The bill was not introduced during the most recent Parliament session in March-May due to the strong objections and reservations of the Christian community.

There is no national law that bars proselytizing by Christian citizens. Foreign missionaries generally may renew their visas, but since the mid-1960's the Government has refused to admit new resident foreign missionaries. New arrivals currently enter as tourists on short-term visas. During the year, as in the past, state officials refused to issue permits for foreign Christian missionaries, as well as other persons, to enter some northeastern states, on the grounds of political instability in the region. This restriction is not levied specifically against Christians. Many foreigners, including diplomats, are refused permits to the country's northeastern states on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA), which restricts funding from abroad and, therefore, the ability of certain groups to finance their activities. The Government is empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition. There is no ban on professing or proselytizing religious beliefs; however, speaking publicly against other beliefs is considered dangerous to public order, and is prohibited.

A January decision by the Gujarat state government to revoke the ban on the participation of government employees in Rashtriya Swayamsewak Sangh activities was criticized widely by those who felt that this would lead to the spread of RSS influence within the government services, as was the well-publicized participation of the state's chief minister at an RSS rally that month. In March the government of Gujarat convinced a BJP legislator to withdraw a bill that sought to regulate Christian missionary activity within the state; the bill was written to prohibit "forced" or "induced" conversions a crime that would have been punishable by a fine and up to 3 years in prison. In May the Gujarat government withdrew permission for state government workers to engage in RSS activities. Despite these steps by the state and national governments to address communal concerns, many in the minority communities continued to express unease about BJP rule.

In August 1999, a bill was introduced in Gujarat that would allow harsh punishment for anyone in the state found guilty of converting someone to another religion through the use of force, provision of material benefits, or fraud. Human rights groups feared that if passed the bill—called the Gujarat Freedom of Religion Bill, 1999—could be used to restrict the fundamental right to choose one's religion. However, the Gujarat state assembly took no action on the Freedom of Religion Bill, allowing it to lapse. It must be reintroduced to be further considered.

Violent attacks against Christians by Hindus, which began in late 1998, continued during the year. Attacks on religious minorities no longer appear to be confined to Gujarat and Orissa. There were several attacks by Hindu groups against Christian institutions in Uttar Pradesh in April (see Section 5). These incidents were the first signs of Hindu-Christian violence in Uttar Pradesh in over 6 years. The Government dispatched the National Commission for Minorities (NCM) to investigate the attacks in the north, but the NCM's findings that the attacks were not "communal in nature" sparked widespread criticism in the minority community (see Section 5). There is strong evidence that the NCM report misrepresented the victims in its claim that the victims themselves are satisfied entirely that there was no religious motivation behind the violence. Victims of the incidents claim that the local police were not responsive either before or during the attacks. The BJP government in Uttar Pradesh initiated an investigation by intelligence agencies into the June 21 custodial killing of a witness, Vijay Ekka (see Sections 1.a. and 5); the government also announced plans to set up a judicial inquiry by a sitting judge from the state High Court. The Mathura superintendent of police was transferred because of the Ekka killing; how-

ever, no further information was uncovered and no other persons were held accountable by year's end.

On June 26, the National Human Rights Commission ordered states affected by Hindu-Christian violence to provide written reports detailing the violence against Christians and the actions taken by state governments. No reports were made public by year's end, and according to human rights activists, states had not submitted them.

On occasion, Hindu-Muslim violence led to killings and a cycle of retaliation. In some instances, local police and government officials abetted the violence, and at times security forces were responsible for abuses. Police sometimes assisted the Hindu fundamentalists in perpetrating violent acts (see Section 5). Following riots in Ahmedabad, Gujarat from August 5 to 7, some police officers allegedly forced some Muslim residents to sing the Sanskrit anthem to prove that they were not "anti-national" (see Section 5). Government officials allegedly also subjected Christian-affiliated foreign relief organizations to arbitrary roadblocks; many of these organizations are not engaged in religious activities (see Section 4). In a few instances, state governments investigated and sometimes arrested suspects in cases of anti-Christian violence. For example, after an Australian missionary was murdered in Orissa (see Section 5), several suspects were arrested. In another instance, the governments of Karnataka and Andhra Pradesh investigated a series of 6 church bombings in June and July (see Section 5); the investigations led to the arrest of 45 persons and concluded that members of the Deendar Anjuman, a Muslim group, carried out the bombings. In general government response has been poor with respect to such incidents.

On July 14, the Maharashtra government announced its intention to prosecute Bal Thackeray, leader of the rightwing Hindu organization Shiv Sena, for his role in inciting the Mumbai 1992-1993 riots in which over 700 persons, the vast majority of whom were Muslim, were killed (see Section 5). On July 25, amid rioting by Shiv Sena supporters, Thackeray was arrested; a few hours later a judge ruled that the statute of limitations relating to the incitement charges had expired, and Thackeray was released.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens enjoy freedom of movement within the country except in certain border areas where, for security reasons, special permits are required. Under the Passports Act of 1967, the Government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." The Government uses this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and members of the violent separatist movement in Jammu and Kashmir. On April 9, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th U.N. Commission on Human Rights (UNCHR) meeting in Geneva (see Section 4). Abdul Majid Banday, Mohammad Tufail, Mohannad Amin Bhat and Abdul Rashid Lone, had valid passports and letters of accreditation as members of a U.N.-recognized NGO, but authorities prevented them from boarding their flight.

Vehicle checkpoints, at which Border Security Forces routinely search and question occupants, are a common feature throughout most of Jammu and Kashmir. It also is common for police to block entry and exit points in preparation for gathering young males for police lineups. These searches tend to focus on troubled areas, as opposed to the mass searches that were common in the past. According to a credible source, such search operations seldom yield any results.

In September the PUCL reported that Bangalore police arrested 30 persons peacefully demanding access to public information on construction of the Bangalore-Mysore information corridor. The Karnataka government has proposed acquiring more than 20,000 acres of land in 168 villages. Those arrested were concerned about the status of farmland and homes in the village resulting from the continued planned government construction of an expressway between the two cities.

On October 18, the Supreme Court ruled that construction of the Sardar Sarovar Dam on the Narmada River in Gujarat could begin immediately, reaching a height of 90 meters, and could proceed in stages thereafter up to a finished height of 138 meters. The ruling stipulated that those displaced by the dam would be compensated. However, many human rights advocates and NGO's continued to allege that the construction of the dam would displace 40,000 families without adequately compensating those who are resettled (see Section 2.b.). (Opposition to the Narmada project was greatest during the early 1990's, resulting in prolonged financial and legal delays.)

Citizens may emigrate without restriction.

Since 1990 more than 235,000 Bangladeshis have been deported, many from Maharashtra and West Bengal. The occasional deportation of Bangladeshis judged to have entered the country illegally continued during the year, but there was no repetition of the systematic roundup of Bangladeshis for mass deportation that was conducted by the Maharashtra government in 1998. The Government estimates that there are 10 million Bangladeshis living illegally in the country. On August 28, the Supreme Court gave the central Government until January 2001 to repeal the Illegal Migrants Determination by Tribunal (IMDT) Act of 1985. The court ruled that the law, which is largely aimed at illegal Bangladeshi immigrants, is being applied only in Assam, and therefore is discriminatory. Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals.

The spring and summer 1999 incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control around Kargil in the state of Jammu and Kashmir and the Indian military campaign to repel the intrusion forced as many 50,000 residents of Jammu and Kashmir from their homes, a number of whom took refuge on the Pakistani side of the line of control. Many had their homes destroyed. Since that conflict, artillery shelling of the region by Pakistan has kept many of the internally displaced persons from returning and driven others from their homes. On October 12, Jammu and Kashmir home minister Mustaq Ahmad Lone told the State Assembly that 43,510 persons remained displaced (see Sections 1.a., 1.c., and 1.g.).

In a number of northern states, most notably Orissa, Bihar, and West Bengal, hundreds of thousands of persons were displaced temporarily due to severe flooding and cyclonic storms during the monsoon season.

The law does not contain provisions for processing refugees or asylum seekers in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, nor is there a clear national policy for the treatment of refugees. The Office of the U.N. High Commissioner for Refugees (UNHCR) has no formal status, but the Government permits the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese). The U.N. High Commissioner for Refugees, Sadako Ogata, visited the country in May (see Section 4).

The Government has not permitted the UNHCR to assist other refugee groups, including Sri Lankan Tamils, to whose camps in Tamil Nadu the Government continued to bar access by the UNHCR and NGO's (see Section 4). The Government provides first asylum to some refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy is applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally has resulted in individuals or groups being refused admittance. This has occurred in recent years in cases involving Chin and Rakhine refugees from Burma, and Afghans who entered the country through Pakistan. Refugees are not required to make claims in other countries. Cramped and unhygienic conditions reportedly exist in some of the camps for Sri Lankan Tamils in Tamil Nadu.

The Government recognizes certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans as refugees and provides them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 98,000 Tibetans, approximately 64,989 Sri Lankan Tamils in 131 camps, and perhaps as many as 80,000 Sri Lankan Tamils outside of the camps living in the country at year's end. The refugees in the camps are permitted to work, and the state and central governments pay to educate refugee children and provide limited welfare benefits. Many Chakmas from Bangladesh have been repatriated voluntarily, including all of the estimated 56,000 persons who had been residing in Tripura. Some 80,000 Chakma permanent residents remain in Arunachal Pradesh and Mizoram; the Supreme Court has upheld their right to citizenship. However, the Supreme Court's order to extend citizenship to this group still had not been enforced by year's end. The UNHCR reported that 13,390 Afghans, 747 Burmese, 139 Iranians, 105 Somalis, 50 Sudanese, and 56 others, including Iraqis and Ethiopians, were receiving assistance from the UNHCR in the country as of August 31. Although the Government formally does not recognize these persons as refugees, it does not deport them. Instead, they received renewable residence permits or their status was ignored. Increasingly during the year, some of these groups—Afghans, Iraqis, and Iranians in particular—were not granted renewal of their residence permits by the authorities on the grounds that they were not in possession of valid national passports. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports, and therefore were unable to regularize their status in the country.

The Tamil Nadu government provides educational facilities to Sri Lankan Tamil refugee children, and the central Government provides some assistance and channels assistance from NGO and church groups. The central Government generally has denied NGO's and the UNHCR direct access to the camps. NGO's report refugee complaints about deteriorated housing, poor sanitation, delayed dole payments, and inadequate medical care in the Tamil refugee camps. The NHRC has intervened to uphold the right of several Sri Lankan Tamils detained in so-called "special camps" to remain in the country. The Government uses these camps to hold suspected members of the LTTE terrorist organization. Human rights groups allege that inmates of the special camps sometimes are subjected to physical abuse and that their confinement to the camps amounts to imprisonment without trial. They allege that several of those acquitted by the Supreme Court in May 1999 of involvement in the assassination of former Prime Minister Rajiv Gandhi (see Section 1.a.) remain confined in these special camps. Some 1,399 new refugees arrived from Sri Lanka during the first 9 months of the year. Human rights groups allege that the Government did not permit 30 to 40 families, whom alien smugglers left stranded on sand bars in the shallow Palk Strait, to enter the country; however, during the year some 180 persons similarly marooned were permitted to enter.

Ethnic Chins are among the nonrecognized refugees in the northeastern states, particularly Mizoram. Chins and Chakma refugees have been targeted by student-led demonstrations protesting their presence in Mizoram. During the year, tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly resulted in the detention, interrogation, and expulsion of some persons associated with the CNF to Burma, where they credibly feared persecution. Human rights monitors allege that about 1,000 Chin refugees had been arrested in Mizoram and some 200 had been repatriated forcibly to Burma between July and September. According to one NGO, on August 3, a 25-year-old Chin refugee died in the Aizawl central police station, Mizoram (see Section 1.a.). An estimated 40,000 to 50,000 Chins live and work illegally in Mizoram.

Mizoram human rights groups estimate that some 41,000 Reangs, a tribal group from Mizoram that has been displaced due to a sectarian conflict, presently are being sheltered in 6 camps in North Tripura; conditions in such camps are poor and the Tripura government has asked the central Government to allot funds for their care. Reang leaders in the camps say that their community would return to Mizoram if they were granted an autonomous district council, allotted a set number of seats in the Mizoram Assembly, and granted financial assistance for resettlement. The Mizoram government rejected these demands and maintained that only 16,000 of the refugees had a valid claim to reside in the state. On August 7, following his meeting with Tripura chief minister Manik Sarkar, Union Home Minister L.K. Advani announced that an initial group of Reang refugees would be resettled in Tripura by October 31, and that repatriation of the entire group would be completed by year's end. However, while an NHRC staff member also visited Tripura to inquire into the situation of the Reangs, by year's end nothing had been done to repatriate them.

### *Section 3. Respect for Political Rights: The Right Of Citizens To Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a democratic, parliamentary system of government with representatives elected in multiparty elections. A Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations. State governments are elected at regular intervals except in states under President's Rule.

On the advice of the Prime Minister, the President may proclaim a state of emergency in any part of the national territory in the event of war, external aggression, or armed rebellion. Similarly, President's Rule may be declared in the event of a collapse of a state's constitutional machinery. The Supreme Court in May 1995 upheld the Government's authority to suspend fundamental rights during an emergency.

Some 50 persons were killed in election-related violence in state assembly polling in Gujarat, Bihar, and Manipur (see Section 1.a.), and there were localized allegations of voter fraud.

During the February 12 Bihar State Assembly election, extremists of the Maoist Coordination Center (MCC) and the PWG killed 21 persons, including 12 members of the security forces and 2 election officials. The extremist groups had warned voters to remain at home during the polls, or face attack. Seventeen more persons were killed in the second phase of voting in the state on February 22. On September 17

in Ahmedabad, Gujarat, police killed 6 persons and injured 15 others when they fired on a crowd of about 2,000 persons (see Section 1.a.). The crowd had rampaged through a Muslim-minority section of the city after reports that ballot boxes had been tampered with in the city's municipal corporation elections. In West Bengal, clashes between supporters of the Trinamul Congress Party and the CPI(M) left 71 persons dead in the first 9 months of the year (see Section 1.g.). Voting irregularities in the West Bengal election—such as fraud, delaying tactics, and intimidation—were reported widely.

Women are underrepresented in government and politics, although no legal impediments hinder their participation in the political process. A large proportion of women participates in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women are represented in all major parties in the national and state legislatures. There are 66 women among the 790 Members of Parliament, including the Deputy Speaker of the upper house, and there are 8 women in the 74-member Cabinet. The 1993 passage of the “Panchayati Raj” constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which has brought more than 1 million women into the political life at the grassroots level. In September debate over the Women's Reservation Bill, which was designed to reserve one-third of parliamentary seats for women, subsided when the Government failed to introduce the bill during the monsoon session of Parliament. The bill was introduced but not debated in the winter session of Parliament. The Women's Reservation Bill first was introduced in late 1998.

The Constitution reserves seats in Parliament and state legislatures for “scheduled tribes” and “scheduled castes” in proportion to their population (see Section 5). Indigenous people actively participate in national and local politics, but their impact depends on their numerical strength. In the northeastern states, indigenous people are a large proportion of the population and consequently exercise a dominant influence in the political process. In comparison, in Maharashtra and Gujarat, tribal people are a small minority and have been unsuccessful in blocking projects that they oppose.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Independent human rights organizations operate throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups face some restrictions. Human rights monitors in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of retribution by security forces and countermilitants. Since 1992 several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, have been attacked and in some cases killed. International human rights monitors have had difficulty in obtaining visas to visit the country for investigation purposes. For example, during the year the authorities continued to deny HRW and Amnesty International permission to visit Jammu and Kashmir; however, some foreign diplomats gained improved access to some prisons in Jammu and Kashmir. The Government also continued to deny the U.N. Special Rapporteurs on Torture and Extrajudicial Killings permission to visit the country, despite their repeated requests. Moreover, the police and security forces have arrested and harassed human rights monitors. In May U.N. High Commissioner for Refugees Sadako Ogata was allowed to visit the country (see Section 2.d.).

In September 1999, the Ministry of Home Affairs sent a notice to several prominent NGO's asking them to justify their status as nonpolitical organizations under the Foreign Contribution (Regulation) Act. According to HRW, the notice effectively was a threat to cut off foreign funding. The NGO's, many of which worked on women's rights, communal violence, and Dalit and tribal issues, publicly had criticized the policies of the BJP-led government and the antisecular activities of the Sangh Parivar, a collective of rightwing Hindu organizations of which the BJP is a member.

On May 24, an agent of the intelligence bureau visited and questioned the director of the South Asia Human Rights Documentation Center (SAHRDC) about his travel earlier in the month to Geneva to participate in the meeting of the U.N. Human Rights Commission. In 1998 the Andhra Pradesh government issued a directive to faculty members of state universities not to associate with the Andhra Pradesh Civil Liberties Union (APCLC), a well-respected human rights organization. Following protests by faculty organizations, the directive was rescinded.

On April 9, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th annual meeting of the UNCHR in Geneva (see Section 2.d.).

According to HRW, on April 20, a mob of local residents and politicians raided the Almora and Jageswar offices of an NGO working primarily on women's health and empowerment in Uttar Pradesh. The attack allegedly was in response to a pamphlet that the NGO had published in 1999 on HIV transmission, which contained purportedly sexually offensive material. Police and protestors assaulted staff and trainees, and a number of persons were detained for a short period.

According to Amnesty, the chief judicial magistrate in Srinagar released on bail Ghulam Mohiuddin Najar, a political activist and teacher; however, immediately upon release, members of the Special Operations Group, a unit of the state police, shot and killed him at the court gate. According to Amnesty International, in February security forces in Jammu and Kashmir pointed guns at journalists who were attempting to investigate the killing of Najar.

Amnesty International reported the November killing of human rights defender T. Puroshottam in Hyderabad, Andhra Pradesh. A group of unidentified men wielding knives attacked Puroshottam, the Joint Secretary of the Andhra Pradesh Civil Liberties Committee, in a local shop. Puroshottam was involved in numerous investigations of alleged human rights violations by the police including torture and extrajudicial executions, had been attacked previously, and had received persistent threatening telephone calls. There has been no independent investigation into Puroshottam's killing.

There was no definitive resolution in the case of abducted and murdered Kashmir human rights monitor Jalil Andrabi. Human rights workers allege that the state is attempting to subvert the judicial process by withholding evidence (see Sections 1.a. and 1.b.). In Assam the investigation into the 1996 murder of human rights monitor and journalist Parag Das has yielded no definitive information on the identity of his killer. The assailant allegedly was a militant who previously had surrendered and was supported by the Government (see Sections 1.a. and 2.a.).

Several Christian-affiliated (in many cases, non-evangelical) international relief agencies stated that, during the year, their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists (see Sections 2.c. and 5).

The Government appointed a National Human Rights Commission in 1993 with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse. In addition the NHRC is directed to contribute to the establishment, growth, and functioning of human rights NGO's. The Government appoints the members and finances the operations of the NHRC. The NHRC is seriously understaffed and prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces.

From April 1, 1998 to March 31, 1999 (the most recent reporting year), the NHRC received 40,724 new complaints of human rights violations. The Commission had 13,512 cases awaiting consideration at the beginning of the reporting period. Of the 54,236 cases before it in the 1998-99 year, the Commission reviewed 53,711, leaving 525 awaiting review at the end of the year. Of the 53,711 cases considered during the year, 32,172 were dismissed; 10,718 were transmitted to other governmental authorities for disposition; 3,395 were concluded, and 7,426 were pending. In the previous 12-month period (April 1997 to March 1998), the Commission received 36,791 complaints. The increased number of complaints in the most recent reporting year is believed to be the result of the Commission's increased visibility.

The NHRC has sought to encourage a culture respectful of human rights by fostering human rights education in schools and universities, by offering assistance and encouragement to human rights NGO's, by supporting training programs for the police, military forces, and paramilitary forces, and by making recommendations to the central and state governments. During the year, the NHRC carried out, with the assistance of NGO's, a human rights training program for state police that included stress counseling. The NHRC also has influenced the legislative process, particularly by issuing a formal opinion that a new Prevention of Terrorism Act is not needed, and by proposing Prison Reform Legislation. State Human Rights Commissions exist in Assam, Manipur, Himachal Pradesh, Madhya Pradesh, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan; Uttar Pradesh took legal steps to establish a commission but has yet to appoint members. In addition special courts to hear human rights cases have been established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. The courts in Uttar Pradesh are not functioning, despite a September 1999 court order that they be reactivated. The NHRC also encouraged the establishment of human rights cells in police headquarters in the states.

The NHRC also was involved in programs to eliminate child labor (see Section 6.c.).

The state human rights commission established in Jammu and Kashmir by an act of the state legislature, in 1997, has no power to investigate independently alleged human rights violations committed by security force members. Credible human rights monitors say that the Jammu and Kashmir Commission has not yet demonstrated effective, independent protection of human rights in the state.

A People's Commission that was established in 1998 by retired Supreme Court Justice Kuldeep Singh to highlight the fate of more than 2,000 persons who "disappeared" during the period of political unrest in Punjab (see Section 1.b.) continued to receive little cooperation from state government authorities.

The prison visits program in Jammu and Kashmir by the ICRC, initiated in October 1995, continued during the year (see Section 1.c.). ICRC representatives also continued training police and Border Security Force personnel in international humanitarian law.

The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (see Section 2.d.).

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social status*

The traditional caste system as well as differences of ethnicity, religion, and language deeply divide society. Despite laws designed to prevent discrimination, other legislation as well as social and cultural practices have a profound discriminatory impact. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes are frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

*Women.*—Domestic violence is common and a serious problem. According to a 1996 survey in Uttar Pradesh, 30 percent of married men acknowledged physically abusing their wives. In a survey of 10,000 women released during the year, more than half of the women said that violence was a normal part of married life. The Health Ministry released a different survey during the year that indicated that, of 90,000 women surveyed, more than half acknowledge being battered. Dowry disputes also are a serious problem. In the typical dowry dispute, a groom's family members harass a new wife whom they believe has not provided a sufficient dowry. This harassment sometimes ends in the woman's death, which family members often try to portray as a suicide or kitchen accident; recent research suggests that a significant percentage of kerosene attacks also are due to domestic violence. Although most "dowry deaths" involve lower and middle-class families, the phenomenon crosses both caste and religious lines. According to National Crime Records Bureau (NCRB) statistics, 6,917 dowry deaths occurred in the country in 1998, including 2,229 dowry deaths in Uttar Pradesh, 1,039 in Bihar, 598 in Madhya Pradesh, 500 in Andhra Pradesh, 420 in Maharashtra, 200 in Karnataka, 176 in Tamil Nadu, and 21 in Kerala.

Under a 1986 amendment to the Penal Code, the court must presume that the husband or the wife's in-laws are responsible for every unnatural death of a woman in the first 7 years of marriage—provided that harassment is proven. In such cases, police procedures require that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the post-mortem procedures. According to human rights monitors, in practice police do not follow these procedures consistently.

The issue of rape has received greater political and social attention than in earlier years. In July the NHRC directed the Andhra Pradesh government to pay \$1,100 (50,000 rupees) in compensation to each of four Dalit women who were raped in Godavari district. The NHRC overturned a state ruling that had denied the women monetary compensation because the victims and their attackers were members of low caste and tribal communities. The press consistently reports that such violence against women is increasing, although local women's organizations claim that there simply has been increased reporting. Only 10 percent of rape cases are fully adjudicated by the courts, and police typically fail to arrest rapists, thus fostering a climate of impunity. In May the Central Bureau of Investigation initiated an inquiry into the alleged gang rape of three women by police officials in Pilibhit district, Uttar Pradesh in August 1998. According to a complaint filed by a witness, three officers of the Madho Tanda police station in Pilibhit district entered the victims' home late on the night of August 16–17 and raped the three women. On May 30, a court in Jalpaiguri, West Bengal sentenced Kashinath Tripathy and Bhuson Barua to life imprisonment for the 1982 rape of a girl in Jalpaiguri.

In September in Kulkul village, Orissa, a group of villagers hacked to death a 60-year-old tribal woman, Namsi Ho, allegedly for practicing witchcraft. Police arrested four persons in connection with the killing. On October 16 and November 19, in Ganjam district, Orissa, villagers accused Kumari Behera, of sorcery, and tortured

and branded her with hot iron rods. Five persons were arrested in connection with the assaults.

According to NCRB statistics, in 1998 there were 15,031 reported rapes, 16,381 abductions of women, 6,917 dowry deaths, 41,318 reported cases of torture of women, 31,046 cases of molestation, and 8,123 cases of sexual harassment. The NCRB recorded 131,338 crimes against women in 1998, compared with 121,265 in 1997. In 1997, 678 cases of gang rape were recorded. Gang rapes often are committed as punishment for alleged adultery or as a means of coercion or revenge in rural property disputes and feuds. On February 1, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the U.N. Commission on Human Rights (UNCHR) expressed concern that "there is a high incidence of gender-based violence against women, which takes even more extreme forms because of customary practices such as dowry, sati (the burning alive of widows on their husbands' funeral pyre) and the Devadasi system (the practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as servants of God. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels" (see Sections 6.c. and 6.f.). The committee further stated that "discrimination against women who belong to particular castes or ethnic or religious groups also is manifest in extreme forms of physical and sexual violence and harassment."

Higher female mortality at all age levels, including female infanticide and sex selective termination of pregnancies, accounts for an increase in the ratio of males to females to 107.9 males per 100 females in 1991, from 104.7 males per 100 females in 1981, and from 102.9 males per 100 females at the turn of the century. In some districts of Tamil Nadu, female infanticide occurs despite government and NGO programs intended to counter the practice. In July the district collector of Dharmapuri, Tamil Nadu, formed a team to investigate the murder of a girl in Pararrapatti village. The team exhumed the buried body and arrested the girl's father and another accomplice. In August the maimed body of a newborn girl was found under a bridge in Tirunelveli, Tamil Nadu. Police believe that the child's mother abandoned her in the public place hoping that someone would take her in. On February 1, CEDAW expressed concern that "India has not yet established a comprehensive and compulsory system of registration of births and marriages. The Committee notes that inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labor and forced or early marriage."

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often is unable to enforce these laws, especially in rural areas in which traditions are deeply rooted. According to press reports, the rate of acquittal in dowry death cases is high, and because of court backlogs it takes 6 to 7 years on average to rule on such cases. On February 1, CEDAW noted that "there is an urgent need to introduce comprehensive [legislative] reform to promote equality and the human rights of women."

Prostitution is widespread, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom are children. Many indigenous tribal women are forced into sexual exploitation (see Section 6.c.). In Assam's Chars River islands, some women work as prostitutes in exchange for as little as \$0.23 (10 rupees). In 1998 prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai and New Delhi.

In 1997 Karnataka's government made sexual harassment a criminal offense.

The country is a significant source, transit point, and destination for many thousands of trafficked women (see Section 6.f.).

Literacy rates for women are significantly lower than rates for men; the 2000 U.N. Development Program (UNDP) Report for India found that 38 percent of women were literate, compared with 66 percent of men.

The law prohibits discrimination in the workplace, but enforcement is inadequate. In both rural and urban areas, women get lower wages than men for doing the same job. Women experience economic discrimination in access to employment and credit. This acts as an impediment to women owning a business, and the promotion of women to managerial positions within businesses often is slower than that of males. State governments have supported micro-credit programs for women that have begun to have an impact in many rural districts.

The personal status laws of the religious communities discriminate against women. Under the Indian Divorce Act of 1869, a Christian woman may demand divorce only in the case of spousal abuse and in the case of certain categories of adultery; for a Christian man, adultery alone is sufficient. In 1997 the Mumbai High

Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows polygyny (under which a man may have up to four wives) but prohibits polyandry (under which a woman may have multiple husbands). On February 1, CEDAW noted that "steps have not been taken to reform the personal laws of different religious and ethnic groups, in consultation with them, so as to conform with the Convention. The Committee is concerned that the Government's policy of non-intervention perpetuates sexual stereotypes, son preference and discrimination against women."

The Hindu Succession Act provides equal inheritance rights for Hindu women, but married daughters seldom are given a share in parental property. Islamic law recognizes a woman's right of inheritance but specifies that a daughter's share only should be one-half that of a son.

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accord women little control over land use, retention, or sale. However, several exceptions exist, as in Ladakh and Meghalaya, where women may have several husbands and control the family inheritance.

Thousands of grassroots organizations work for social justice and the economic advancement of women, in addition to the National Commission for Women. The Government usually supports these efforts, despite strong resistance from traditionally privileged groups.

*Children.*—The Government does not provide compulsory, free, and universal primary education, and only approximately 59 percent of children between the ages of 5 and 14 attend school. Of a primary school-age population of approximately 203 million, about 120 million children attend school. No significant sectors or groups actively are excluded, but the economic reality is that children of wealthier families are more likely to attend school than those of poor families. According to a UNDP study conducted in 1993, the dropout rate from primary school was 34 percent. A significant gender gap exists in school attendance, particularly at the secondary level. According to UNICEF, 59 percent of boys and 38 percent of girls were enrolled in secondary school.

The central Government spends approximately 5.9 percent of its overall budget on education. The state governments also spend part of their budgets on education, but no comprehensive figure of combined federal/state expenditure is available. A 1993 study commissioned by the UNDP estimated that about 3.7 percent of the country's gross national product is devoted to education. On February 23, the Committee on the Rights of the Child of the UNHRC expressed concern "at the prevailing poor situation in the state party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of text books and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and the poor, and children belonging to scheduled castes and tribes."

Child welfare organizations estimate that there are 500,000 street children nationwide living in abject poverty.

A coalition of about 50 NGOs conducted a detailed survey in the Calcutta municipal area and identified 145,000 children who were not attending school. Not all of them were street children. The NGOs received UNICEF assistance in training teachers to conduct transitional education for a target group of 45,000 5 to 9-year-old children. The course work is intended to allow these children to enter mainstream schooling. UNICEF has contributed \$94,000 (4.4 million rupees) for this activity; the West Bengal government has provided technical advice; the central Government contributed nothing to the project. By year's end, 300 teachers had received training and 235 centers are functioning. About 5,875 children are attending transitional education sessions at these centers.

Child prostitution occurs in the cities, and there are an estimated 575,00 child prostitutes nationwide. Trafficking in children for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.). On February 23, the U.N. Committee on the Rights of the Child of the UNCHR expressed concern "about the sexual abuse and exploitation of children, especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: Religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by security forces in areas of conflict, such as Jammu and Kashmir and the northeastern states; and trafficking and commercial exploitation, especially girls from neighboring countries, particularly Nepal. It is

also concerned about the lack of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.”

According to an International Labor Organization (ILO) estimate, 15 percent of the country's estimated 2.3 million prostitutes are children.

A working group on child prostitution set up by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

Runaway children, especially in larger cities, are at high risk for sexually transmitted diseases and HIV. They often work 18- to 20-hour days, frequently in hazardous conditions (see Section 6.c.), and suffer sexual and mental abuse. In addition schoolteachers often beat children.

The Union Ministry of Social Justice and Empowerment has set up a 24-hour “child help line” phone-in service for children in distress in nine cities. Run by NGO's with government funding, the child help line assists street children, orphans, destitutes, runaway children, and children suffering abuse and exploitation. During one 6-month period, the help lines received 25,000 calls, including 2,190 seeking medical assistance for children, 1,056 seeking shelter, 138 reporting missing children, and 125 reporting physical or sexual abuse of children.

As part of its ongoing effort, the NHRC seeks to examine conditions in juvenile homes and recommend improvements. In 1999 the Commission issued directions to all state governments to report within 24 hours any instance of death or rape in such institutions. The Commission reported that it had undertaken this initiative following receipt of reports of a young boy's death in such a home in Delhi in 1996. In March 1999, NHRC member Justice V.S. Malimath said that cases of abuse and torture of children confined to juvenile homes had been reported. In some cases, the Commission had acted to transfer oversight of homes to private voluntary organizations “after the (state) government failed to provide a healthy environment to children in these homes.” In its February 23 concluding observations regarding the country, the U.N. Committee on the Rights of the Child of the UNCHR expressed concern about “numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.” The Committee also expressed concern “at the overcrowded and unsanitary conditions of detention of children, including detention with adults; lack of application and enforcement of existing juvenile justice legislation; lack of training for professionals, including the judiciary, lawyers and law enforcement officers, in relation to the Convention (On the Rights of the Child), other existing international standards and the 1986 Juvenile Justice Act; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions.”

The Child Marriage Restraint (Amendment) Act of 1929, as amended in 1978, prohibits child marriage, a traditional practice in the northern part of the country. The act raised the age requirement for marriage for girls to 15 from 18 years, but the Government does not enforce it. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh are married by age 16. NCRB statistics show that only 56 cases were registered under the Child Marriage Restraint (Amendment) Act during 1998. The NHRC, in consultation with the National Commission for Women and the Department of Women and Child Development, recommended in 1997 that a new draft “Marriage Bill” be enacted to strengthen the prohibitions of the 1929 act; however, the bill had not yet been introduced in Parliament by year's end. The NHRC in its 1996–1997 report, criticized the Government for rejecting this suggestion, a response that the Commission concluded amounted, “essentially, to a total disinclination to strengthen or alter the law, in any respect, or indeed to see to its better implementation in any manner.”

The traditional preference for male children continues. Although a law passed in 1994 prohibits the use of amniocentesis and sonogram tests for sex determination, the Government does not enforce the law. The tests are misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurs. In the 12 years since the southern state of Maharashtra passed a law banning the use of such tests for sex determination, the state government only filed charges against one doctor, who he was acquitted. Human rights groups estimate that at least 10,000 cases of female infanticide occur yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still have high rates of female infanticide. According to statistics compiled by the Dharmapuri office of the Directorate of Health Services, 1,260 female infants were killed in the district in 1997. Police have not investigated these cases. In 1998 the Tamil Nadu Human Rights Commission suggested that a separate mandatory police investigation into the death of every female infant become mandatory, but there is

no legislation that requires such action and none has been taken. In addition parents often give priority in health care and nutrition to male infants. Women's rights groups point out that the burden of providing girls with an adequate dowry is one factor that makes daughters less desirable. Although abetting or taking dowry theoretically is illegal under the Dowry Prohibition Act of 1961, it still is practiced widely.

Bonded and unbonded child labor continues to be a serious problem throughout the country (see Sections 6.c. and 6.d.).

*People with Disabilities.*—According to regional NGO's, there are over 90 million disabled persons in the country. Neither law or regulations require accessibility for the disabled. With the adoption of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act in 1995, a nascent disabled rights movement slowly is raising public awareness of the rights of the disabled. Although the act provides equal rights to all persons with disabilities, most disabled-related organizations admit that its practical effects so far have been minimal, in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the Government. To a large degree, physical impediments still limit mobility, legislation prevents equality, and societal discrimination maintains the status quo of the disabled.

The Disabled Division of the Ministry of Welfare had a budget provision of more than \$38 million (1.65 billion rupees) for the 1998–99 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivers rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan commits the Government to putting a rehabilitation center in each of more than 400 districts, but services still are concentrated in urban areas. Moreover, the impact of government programs has been limited. Significant funding is provided to a few government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India. Each entity provides specific services or training, including producing aids and prosthetics, promoting disabled-oriented economic development activities, offering training to health-care professionals and vocational instructors concerning disabled-related issues, and providing comprehensive rehabilitation services to the rural disabled.

Additional mini-grants are offered to NGO's that coordinate programs for the disabled to facilitate their physical, social, and psychological rehabilitation and integration into mainstream society. During 1998–99, \$3 million (130.5 million rupees) was available. However, only half of this amount was allocated due to funding restrictions placed on each providing organization and the small number of them that exist.

Two significant programs to benefit the disabled are the National Project to Integrate Mentally Retarded in Family and Community and the National Institute for the Multiple Disabilities. The first project, launched in six states in 1998, primarily focuses on children from the economically weaker sectors and promotes awareness concerning the mentally disabled, their problems, and their rights. The second is the Ministry of Welfare, which provides rehabilitation services to the disabled and is fostering greater awareness among communities throughout the country. As a result of the passage of the Persons with Disabilities Act, there now is a Disabilities Commissioner who oversees implementation of the act and its protections for the disabled.

According to the Persons with Disability Act, 3 percent of positions in official offices and state-owned enterprises must be reserved for persons with visual, hearing, or orthopedic disabilities. The Government provides special railway fares, education allowances, scholarships, customs exemptions, budgetary funds from the Ministry of Rural Development, and rehabilitation training to assist the disabled. However, implementation of these entitlements is not comprehensive. Although the Government has taken significant steps toward improving the plight of the disabled, its involvement has been insufficient. The majority of responsibility for caring for disabled persons still lies with family members and voluntary groups.

The NHRC continues to receive complaints relating to harassment, intolerance, and discrimination against the disabled. It currently is gathering information on these cases and forwarding assessments to concerned NGO's and government entities. However, this process is slow, and its effects so far have been minimal.

The NHRC continued its efforts to improve conditions in mental hospitals and enhance awareness of the rights of those with mental disabilities during the year. In 1997 it commissioned an assessment of conditions at mental hospitals throughout the country, to be conducted by the National Institute of Mental Health and Neuroscience. The assessment, whose results the NHRC released in July 1999, found that conditions in mental institutions were unsatisfactory and in need of reform. The

rights of the mentally ill and mentally disabled are provided for in the Constitution and the Mental Health Act of 1987. However, the NHRC noted that despite these protections, conditions in many mental hospitals are unsatisfactory. They continue to embody old concepts of mental health care and essentially function as custodial rather than therapeutic institutions. Overcrowded and serving as "dumping grounds" for desperate relatives, some mental hospitals lack even basic amenities and have poor medical facilities. In August 1999, the NHRC reported that it had assumed the management of mental hospitals in Ranchi, Bihar, Agra, Uttar Pradesh, and Gwalior, Madhya Pradesh, at the direction of the Supreme Court. In February NHRC Chairman Justice J.S. Verma asked chief ministers of all the states and administrators of all the union territories "to issue clear directions to the inspector generals of prisons to ensure that mentally ill persons are not kept in jail under any circumstances." However, there was little follow-up to the NHRC direction.

*Indigenous People.*—The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the northeastern border states. They are in effect in Arunachal Pradesh, Nagaland, Manipur, and Mizoram, but not in Tripura, in which the tribal population has been reduced to 30 percent of the total population due to increased Bengali migration since partition. These regulations prohibit any person, including citizens from other states, from going beyond an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders are allowed to own land in the tribal areas without approval from tribal authorities.

The 1991 census, the last conducted, showed that 8.08 percent of citizens belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal People (ICITP), 80 percent of the tribal population live below the poverty level. In May 1998, the NHRC established a panel to investigate the condition of the country's 20 million denotified tribal people, who in 1871 the British colonial government labeled as belonging to "criminal tribes"). During the year, the panel prepared a report for the NHRC on their condition and advised the NHRC in other ways. Denotified tribal peoples are tribal people. The colonial act listing these tribes was repealed in 1951, but the stigma remains and many of these tribal people still are discriminated against actively. On February 15, the NHRC recommended that the "Habitual Offenders Act," aimed at the denotified and nomadic tribes, be repealed. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, have been forced into situations of economic and sexual exploitation (see Sections 6.c. and 6.f.); many come from tribes that were driven off the land by national park schemes. Special courts to hear complaints of atrocities committed against tribal people were to have been established under the protection of Civil Rights Act of 1976, but this never was accomplished.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often are ignored. Indigenous people suffer discrimination and harassment, have been deprived wrongly of their land, and have been subject to torture and to arbitrary arrest. There has been encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally have removed forest and mineral products. Moreover, persons from other backgrounds often usurp places reserved for members of tribes and lower castes in national education institutions. Mob lynchings, arson, and police atrocities against tribal people occur in many states (see Section 1.c.). For example, on January 31, local landowners attacked the tribal village of Ghutewadi, Ahmednagar district, Maharashtra, killing a 60-year-old tribal woman and injuring 10 other women and a child. On July 4, a mob killed a 90-year-old tribal woman and set 16 houses on fire following the abduction of a nontribal youth from Futotip village in North Tripura. On August 17, a mob attacked Jatindra Kumr Jamatya, a tribal activist and member of the ruling CPI(M) in Nagrai, South Tripura.

In the Andaman Islands in 1999, the local government implemented a policy of permitting development of the Jawara tribal area, which threatens the indigenous group's way of life. The construction of a road through the forest that is inhabited by this group and the encroachment of Indian settlers have impacted negatively this indigenous group's cultural vitality, economic self-sufficiency, and physical and mental health. These integrative policies have been motivated partly by humanitarian concerns, although interest in commercial exploitation of virgin forests that were inhabited by tribal people is another strong factor behind these policies. A manifestation of this negative trend was a destructive outbreak of measles that affected about 30 persons among the Jawara tribal people, which was reported in the press in September 1999.

Such violations led to numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa, and the Bodo Movement in Assam, reflect deep economic and social grievances among indigenous people. In the Jharkhand area, tribal people complain that they have been relegated to unskilled mining jobs, have lost their forests to industrial construction, and have been displaced by development projects. During the year, the Government introduced and Parliament passed legislation creating new, largely tribal-populated states from the Jharkhand area of Bihar and the Chhatisgarh region of Madhya Pradesh. The Chhatisgarh State came into existence on November 1 and the Jharkhand State came into existence on November 15.

There also is some local autonomy in the northeast. In Meghalaya tribal chiefs still wield influence in certain villages. The Nagaland government controls the rights to certain mineral resources, and autonomous district councils in Tripura, Assam, and Meghalaya control matters such as education, rural development, and forestry in cooperation with the state governors.

*Religious Minorities.*—The potential for renewed Hindu-Muslim violence remains considerable and both sides committed human rights abuses during the year. Hindus and Muslims continue to feud over the construction of mosques several centuries ago on three sites where Hindus believe that temples stood previously. In 1998 the Sri Krishna Commission, established by the Government to inquire into the cause of Hindu-Muslim riots in Mumbai in December 1992 and January 1993, released its report (see Section 2.c.). The riots, which followed the destruction of an historic mosque in Ayodhya in December 1992, left more than 1,000 persons, mostly Muslims, dead. Maharashtra's BJP-Shiv Sena ruling coalition rejected the report, which laid responsibility for much of the violence on leaders from both parties. That government fell and was replaced by a Congress Party-led government, which submitted an affidavit to the Supreme Court in August promising to implement the Commission's recommendations. The same government established a special task force to implement the recommendations of the Sri Krishna Commission report. The recommendations included prosecuting the 31 police officials and several Shiv Sena, BJP, and Congress Party politicians found to have abetted the anti-Muslim rioting in Mumbai in 1993.

On January 30, Muslim and Hindu crowds in Bangalore clashed and threw stones at each other after an idol was desecrated in a Hindu temple. Two persons were injured in Hindu-Muslim clashes in Ahmedabad, Gujarat, from August 5 to 7. Human rights groups allege that following the riots, the state reserve police officers forced some Muslim residents of the city to sing the Sanskrit anthem "Vande Mataram" to prove that they were not "anti-national" (see Section 2.c.). On August 31, several hundred angry Hindus pelted Muslim houses with stones and tried to set fire to several homes after a Muslim eloped with a Hindu in a town in Vadodara district, Gujarat. On September 12, Muslim-Hindu violence in Nanded, a city 300 miles southeast of Mumbai, left approximately 60 persons injured. The attacks occurred during the annual Ganesh festival when a procession of Hindus passed by a mosque. According to some reports, Muslims in the mosque threw stones at Hindu worshippers whom they claim offended the mosque by making too much noise. The Maharashtra government ordered a judicial inquiry. On October 16, a gang entered Tahira village, Siwan district, Bihar, and murdered five members of a Muslim family. Police suspect unknown persons in nearby Mohajirpur village committed the killings in retaliation for the killings of Hindu villagers a few days earlier. On December 3, a group of men in Tirunelveli, Tamil Nadu, attacked and killed a Muslim preacher with crude bombs and sickles. No one was convicted in connection with the August 26, 1999 mob mutilation and burning to death of a Muslim cattle trader in Padiabeda village, Orissa; about 400 persons witnessed the killing.

Attacks by Muslim militants seeking to end Indian rule in Jammu and Kashmir, and containing political violence, has driven almost 95 percent of Hindus in the Kashmir valley (Pandits) to seek refuge in camps in Jammu, with relatives in New Delhi, or elsewhere, during the last few years. Throughout the year, militants carried out several execution-style mass killings of Hindu villagers and violently targeted Pandits, and in one instance the Sikh minority, in Jammu and Kashmir (see Sections 1.a. and 1.g.). On February 28, militants killed five truck drivers on the Srinagar-Jammu highway. The militants systematically halted commercial trucks traveling along the route and questioned the unarmed drivers and cleaners on board. Those persons identified as Hindus were taken out of the trucks and shot. On March 20, 17 unidentified gunmen in army uniforms killed 35 Sikh men in Chati Singhpura (near Anantang in south Kashmir). The incident was the largest single massacre of civilians during the past 11 years of militancy, and at year's end, the only mass killing in Kashmir to have involved the Sikh community. According to various reports, militants separated unarmed male members of the Sikh families

from women and children, gathered the men a short distance from their homes, and killed them with automatic weapon fire. It was the first known attack on the Sikh minority in Jammu and Kashmir (see Section 1.a.). On March 25, security forces shot and killed five men, alleging that they had been responsible for the March 20 massacre. According to HRW, on April 17, gunmen entered the homes of several Hindu families in Kot Dara village, near Rajouri. They fired on unarmed civilians, killing six persons and injuring six others. On July 13, militants killed three Buddhist monks in Rangdum, Kargil district. On July 30, militants hurled a grenade into a jeep carrying Hindu religious pilgrims near Gulmarg, killing one person and injuring five others. On August 1 to 2, militants entered a camp of Hindus making the annual pilgrimage to Amarnath in the northern part of the state and fired automatic weapons at tents, the unarmed civilians in the camp, the pilgrims' local porters and guides, and army personnel nearby. A total of 32 persons were killed in the attack, all of them unarmed civilians. Similar attacks occurred throughout the night of August 1 to 2, killing some 100 persons in various places in Jammu and Kashmir (see Section 1.a.). On August 17, militants reportedly killed six Hindu villagers and seriously wounded seven others in Jammu (see Section 1.a.). On August 18, militants entered a Hindu village in the Koteswara area near Rajouri and indiscriminately fired at villagers, killing four persons and injuring six others. On August 18, militants killed three elderly men and a teenage boy, and wounded two other persons when they fired automatic guns at civilians in Ind village, Udampur. On August 20, a person shot and injured a Hindu telephone kiosk operator in Qazi Gund, near Anantnag. Also on August 20, militants entered the Hindu village of Indeh, Udampur district and killed four members of a Hindu family (see Sections 1.a. and 2.c.).

According to the Ministry of Home Affairs, about 51,000 Pandit families fled their homes in Jammu and Kashmir due to the violence. Of these, 4,674 families are living in refugee camps in Jammu, 235 families are in camps in Delhi, and 18 families are in Chandigarh. The rest still are displaced, but are living on the economy in Jammu and Delhi. The Pandit community criticizes bleak physical, educational, and economic conditions in the camps and fears that a negotiated solution giving greater autonomy to the Muslim majority might threaten its own survival in Jammu and Kashmir as a culturally and historically distinctive group. On August 18, the Jammu and Kashmir government adopted a proposal designed to facilitate the return of Pandits to the Kashmir valley and rehabilitation of the Pandits. However, various Pandit groups criticized the proposal for failing to address the political aspirations of Pandits, failing to provide economic guarantees, failing to provide adequate security for returning Pandits, and creating special economic zones that would aggravate communal tensions. The proposal abandoned during the year. The NHRC released a 39-page report in June 1999, in response to a petition from Hindu Pandits alleging that genocide had been committed against them. The NHRC found that the crimes against the Pandits "fall short of the ultimate crime: Genocide," but stated that compensation to the community had been inadequate. As a result, the Government's monthly subsistence payment to Pandit families was increased.

There were numerous attacks against Christian communities and Christian missionaries during the year. In August the SAHRDC stated that there had been 57 such attacks during the first 7 months of the year. The SAHRDC stated the attacks had taken three forms: Attacks on priests and nuns; attacks on evangelists and disruption of prayer meetings; and attacks on churches, hospitals, and other charitable institutions. Attacks occurred in Tamil Nadu, Goa, Punjab, Karnataka, Andhra Pradesh, Gujarat, Haryana, Orissa, West Bengal, Bihar, Maharashtra, Madhya Pradesh, and Uttar Pradesh. There were a series of incidents in Uttar Pradesh in April. On April 6, an angry mob, demanding a decrease in school fees and an increase in the number of passing students, harassed the principal of Sacred Heart school in Mathura. The principal disputed an allegation that the harassment was because of school fees, saying that she was harassed and chased by a group of young men (not parents of students) who also asked her questions about the religious texts read at the school. On April 10, Father Joseph Dabre, principal of St. Dominic's school in Mathura, was beaten by six young men who went to the school on the pretext of inquiring about admissions. On April 11, in Kosi Kalan near Mathura, 8 to 10 assailants attacked Father K.K. Thomas at St. Theresa's school when he rushed to the assistance of a servant girl and 3 nuns whom the assailants were attacking. Thomas was injured seriously; his attackers had not been found by year's end.

Prime Minister A.B. Vajpayee asked Uttar Pradesh Chief Minister Ram Prakash Gupta for a detailed report on the incidents in the Mathura area. State officials also ordered police to monitor closely churches, missionary centers, and other places of worship after the attacks near Mathura. On April 26, the NCM visited the sites of the attacks at Sacred Heart school, St. Dominic's school, and St. Theresa's school,

and issued a report on April 27. The report, which claimed that the Sacred Heart case had “no communal tinge,” and that the Kosi Kalan case was a “case of robbery and nothing else,” was criticized widely by the minority community. Several members of the Lok Sabha openly questioned the report’s validity, and there is strong evidence that the NCM report misrepresented the victims in its claims that they themselves are entirely satisfied that there was no religious motivation behind the violence. Victims of the incidents claim that the local police were not responsive either before or during the attacks. These attacks on Christians in Uttar Pradesh were the first in the state in 6 years.

Following the violence in April in the vicinity of Mathura, on May 5, six missionaries who were distributing Bibles and other literature in Vivekanandnagar, Ahmedabad, were injured severely. Some evangelists and some Bajrang Dal activists attacked each other in this Vivekanandnagar when the Bajrang Dal activists forbade distribution of Christian literature. Both groups filed police complaints alleging that the other group attacked them. A Hindu bystander who attempted to intervene had his finger cut off, according to newspaper reports. On May 22, 30 persons were injured when a powerful bomb exploded during a Christian meeting at Machlipatnam in the southern state of Andhra Pradesh. The central Government and the state governments of Andhra Pradesh and Karnataka maintain that the bombing were carried out by a Muslim extremist organization, Deendar Anjuman. Following investigation by the Central Bureau of Investigation, on October 21, police in Karnataka arrested 31 persons in connection with the bombings in that state, including 4 persons who reportedly were Pakistani nationals (see Section 2.a.). The governments later made more arrests, and by year’s end, they had filed charges of conspiracy, violating the Explosives Act, and fomenting religious hatred against approximately 45 suspects in Karnataka and Andhra Pradesh. On June 7, a Catholic priest, Brother George Kuzhikandum, was killed on the campus of Brother Polus Memorial School near Mathura. On June 21, Vijay Ekka, the prime witness to the June 17 killing of Brother George, died in police custody (see Sections 1.a. and 2.c.). In June in northern Punjab state, the Rev. Ashish Prabash Masih, age 23, reportedly was murdered and his body burned. Although police ruled out any communal undertones, the Punjab Christian Association stated that the murder was part of a concerted campaign against its community by Hindu nationalists. In April three nuns said that they were run down deliberately by a motor scooter in the northern state of Haryana on their way to a midnight Easter Mass. One of the nuns was injured seriously. The Christian Forum stated that the attack was the fifth on nuns and priests in Haryana in the year, but both the NCM and the Catholic Bishop’s conference stated that the incident could have been an accident. On May 9 in Maharashtra, approximately 150 suspected activists of the Bajrang Dal and the Vishwa Hindu Parishad (World Hindu Council, or VHP) attacked the 45th Annual Convention of the Evangelical Alliance Christian Church and the Nashik District Church Council, set fire to three vehicles, and ransacked a bus carrying religious literature. Four persons were hospitalized. Rural police said that they arrested 33 persons, all of whom belonged to Bajrang Dal or VHP. Although political leaders from Maharashtra’s ruling party criticized the attack, the Minister of State for Dairy Development joined a group of BJP, RSS, and VHP activists who traveled to meet and congratulate the accused when they were released from prison on bail. On May 12, in Indore, Madhya Pradesh, assailants threw stones and attempted to set fire to one church, while vandalizing two other churches.

On January 23, 1999, Australian missionary Graham Staines and his two young sons were killed. The three were asleep in their car in Manoharpur, Keonjhar district, Orissa, when a mob shouting Hindu slogans set fire to their car. Police arrested 51 suspects in connection with the crime and sought others. Dara Singh was arrested on January 31 and charged with the murders of Staines and his two young sons (see Section 2.c.); he also was charged with the murders of another Christian and a Muslim. Singh remained in custody and the charges against him and 14 others still were pending at year’s end. On September 30, a special court in Bhubaneswar, Orissa, convicted a 13-year-old boy of complicity in the killing of Staines and his two sons. He was sentenced to 14 years’ imprisonment. The Wadhwa Commission established to investigate the Staines murder presented its findings in August 1999. The report concluded that Dara Singh masterminded the killing and effectively exonerated the Hindu organizations and political parties that had been accused of complicity. The National Commission for Minorities, other human rights groups, and some Christian groups criticized the Commission’s findings as a coverup. The National Commission for Minorities, separate inquiry found evidence suggesting that the Bajrang Dal was involved in the Staines murders. On June 2, a Hindu priest reportedly “reconverted” 72 tribal Christians in the same village in which Graham Staines and his sons were killed.

The burning of churches continued during the year. For example, on May 12, a hut used as a prayer cottage by Christians in Katiguda village was burned by what the local police referred to as "anti-socials." Also on May 12, in Indore, Madhya Pradesh, assailants threw stones, attempted to set fire to one church, and vandalized two other churches. On May 16, a cottage in Dharakote village that was used as a place of congregation for local Christians was set on fire. Armed police officers were deployed to the area, but by year's end no arrests had been made. On June 8, bombs exploded in four churches in Andhra Pradesh, Karnataka, and Goa. The blasts occurred in a Baptist Church in Ongole, Andhra Pradesh; a Catholic church in Tadepalligudem, Andhra Pradesh; a Catholic church in Wadi, Karnataka; and a church in Vasco, Goa. The bombs reportedly blew out windows and damaged pews; three persons in Ongole and two in Wadi received minor injuries. During the last week of June, a mosque in Gunter, Andhra Pradesh was bombed. None of the localities had a history of serious communal tensions before the blasts. In Karnataka police patrols reportedly were increased at all places of worship, and a special investigative unit was formed to investigate the bombings. By June 20, nine persons reportedly were arrested in connection with the blasts in Andhra Pradesh, including a leading member of a Shi'a Muslim organization (see Section 2.c.). A bomb exploded in the early hours of July 7 at a Lutheran church in Hubli, northern Karnataka, causing minor damage. On the evening of July 8, across town, a bomb exploded at Saint Peter and Paul Church, breaking windows; there were no injuries.

Since 1998 there has been increased harassment of Christian aid workers. Many report having been hampered in their work through threats, bureaucratic obstacles, and, in some cases, physical attacks on their workers. Several Christian relief organizations have reported difficulty in obtaining visa renewal for foreign relief workers (see Sections 2.d. and 4).

The NHRC expressed its concern at the upsurge of violence against Christians in the first 6 months of the year, demanding that the Government announce the steps that it was taking to protect the Christian community. Speaking in Parliament August 18 on the series of church bombings, Home Minister L.K. Advani said that "the Center, in consultation with the affected states, will take stern action against those found guilty of instigating attacks against Christians."

Members of militant Hindu organizations (including members of the Hindu Jagran Manch, the Vishwa Hindu Parishad, and the Bajrang Dal) reportedly are concerned about Christian efforts to convert Hindus. They claim that missionaries are forcing or inducing Hindus to convert to Christianity, including economically disadvantaged Dalits and tribals. In some cases, Hindus allegedly have reconverted, at times by force, tribals and Dalits belonging to other religions. However, many tribals follow traditional religious practices, and many Christian tribals were not Hindu prior to becoming Christian, although they often are considered Hindu by the Government and others. In September 1999, Vishwa Hindu Parishad working president Ashok Singhal called for enactment of a law banning forced conversions. Missionaries have been operating schools and medical clinics for many years in tribal areas, including the Dangs district in Gujarat. Tribals, such as those attacked in the Dangs district in 1998, and Dalits are outside of the caste system and occupy the very lowest position in the social hierarchy. However, they have made socioeconomic gains as a result of the missionary schools and other institutions, which have increased literacy among the lowest castes, among other achievements.

Other incidents affecting religious minorities during the year occurred in Tripura, at which Christian militants imposed bans on Hindu and Muslim festivals, and in Assam, in which Hindu concern over the continued influx of illegal Muslim immigrants from Bangladesh has grown over the past year (see Section 2.d.). On April 17, the secretary of the Noapara Baptist Church in Tripura was arrested with explosives in his possession. He allegedly was intending to take them to the NLFT.

The practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as "servants of God" (also known as Devadasis), is reported by HRW to continue in several southern states, including Andhra Pradesh and Karnataka. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus (see Section 6.c.). Reportedly, many eventually are sold to urban brothels. In 1992 the Karnataka state passed the Karnataka Devadasi (Prohibition) Act and called for the rehabilitation of Devadasis, but this law suffers from a lack of enforcement and criminalizes the actions of Devadasis. Since Devadasis are by custom required to be sexually available to higher caste men, it reportedly is difficult for them to obtain justice from the legal system if they are raped.

*National/Racial/Ethnic Minorities.*—The country's caste system has strong historic ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and subcaste. Members of each

caste—and frequently each subcaste are expected to fulfill a specific set of duties (known as dharma) in order to secure elevation to a higher caste through rebirth. Dalits (formerly called untouchables) are viewed by many Hindus as separate from or “below” the caste system; nonetheless, they too are expected to follow their dharma if they hope to achieve caste in a future life. Despite longstanding efforts to eliminate the discriminatory aspects of caste, the practice remains widespread.

The practice of untouchability (“untouchables”—now called Dalits—along with tribals occupy the lowest strata of the caste system) was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remains an important aspect of life. “Untouchability” refers to the social restrictions imposed on persons because of their birth into certain Hindu castes. Dalits are considered unclean by higher caste Hindus and thus traditionally are relegated to separate villages or neighborhoods and to low paying and often undesirable occupations (such as scavenging, street sweeping, and removing human waste and dead animals). Many rural Dalits work as agricultural laborers for higher caste landowners. By custom Dalits may be required to perform tasks for upper caste Hindus without remuneration. The majority of bonded laborers are Dalits (see Section 6.c.). Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions (see Section 6.e.), and face continuing and severe social ostracism. In contrast the highest caste, the Brahmin, with 3.5 percent of the population, holds 78 percent of the judicial positions and about 50 percent of parliamentary seats. NGO’s report that crimes committed by higher caste Hindus against Dalits often go unpunished, either because the authorities do not prosecute vigorously such cases or because the crimes are unreported by the victims, who fear retaliation. In recent years, groups including some that use violence—have organized to protect Dalit rights.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and “tribals” (members of indigenous groups historically outside the caste system). These “scheduled” castes, Dalits, and tribes are entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they are designed to benefit is a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent and scheduled tribes 8 percent of the country’s 1991 population of 846 million. Christians historically have rejected the concept of caste. However, because many Christians descended from low caste Hindu families, many continue to suffer the same social and economic limitations that low caste Hindus do, particularly in rural areas. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists or Sikhs do not. In some states, government jobs are reserved for Muslims of low caste descent.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 lists new offenses against disadvantaged persons and provides stiffer penalties for offenders. However, this act has had only a modest effect in curbing abuse. The NCRB reported that 25,638 crimes against scheduled castes and 4,276 crimes against scheduled tribes were recorded in 1998. This compares with 27,944 crimes against scheduled castes and 4,644 crimes against scheduled tribes recorded by the NCRB in 1997. However, human rights NGO’s allege that caste violence actually is on the increase.

Intercaste violence claims hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh. According to HRW, on April 25, upper caste Rajputs shot and killed four Dalits and seriously injured three others in Rohtas district, Bihar. Subsequently, Rajputs burned down the entire Dalit village, leaving all 25 families homeless, reportedly in retaliation for an earlier attack. On March 12, a mob of upper caste men entered Kambalapalli village, Karnataka, where they reportedly believed that the killer of an upper caste person had taken refuge. The mob surrounded and set fire to one of the homes in the predominantly Dalit village; seven members of a Dalit family were killed in the blaze. On May 12, a group of men entered Lakhisarai village, Bihar, and indiscriminately shot at villagers, killing 11 persons, including 10 low-caste laborers. Police suspected that a criminal gang was responsible for the killings. On May 17, upper caste youths stripped two lower caste women and paraded them naked through their village of Rasoolabad, Kanpur district, Uttar Pradesh. The women’s alleged crime was to have allowed an upper caste woman to spend one night in their home. On June 3, approximately 50 armed men

suspected of belonging to an upper caste private army, the Ranvir Sena, killed 5 low-caste persons, including a woman and a child, in Rajebigha village, Bihar. The killings reportedly were perpetrated because the assailants suspected that the villagers had voted against a candidate favored by the upper caste community in February state assembly elections in Bihar (see Section 3). Police occasionally have arrested Ranvir Sena members after similar incidents in Bihar. However, generally members of the Ranvir Sena who are arrested were released on bail shortly thereafter, and none were convicted during the year in connection with attacks on low-caste villagers. According to HRW, police make little effort to prevent such killings, despite the fact that the Ranvir Sena often publicly announces its intentions days before each attack; allegedly, police also fail to provide protection for villagers in the aftermath of such attacks. On October 22, the NHRC directed the Tamil Nadu government to pay about \$10,990 (500,000 rupees) to 36 Dalit women and children. The Commission found police wrongly attacked and beat the women and children after entering their Ogalur village, Perambalur district, on November 30, 1998. The NHRC further found that police illegally detained the victims for 18 days. In issuing the order, NHRC chairman justice J.S. Verma wrote, "the present case is an instance of lawlessness on the part of the police even in discharging their duties."

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right of association. Workers may establish and join unions of their own choosing without prior authorization. More than 400 million persons make up the country's active work force. Some 30 million of these workers are employed in the formal sector. The rest are overwhelmingly agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represent agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members are part of the 30 million member formal sector. Of these 13 to 15 million unionized workers, some 80 percent are members of unions affiliated with one of the 5 major trade union centrals. All major trade union centrals are affiliated to a greater or lesser extent with particular political parties. Central unions have stressed their independence and in some cases are attempting to sever previously tight party control.

Trade unions often exercise the right to strike, but public sector unions are required to give at least 14 days notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes and requires conciliation or arbitration in specified "essential" industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act. However, the essential services never have been defined in law. The act thus is subject to varying interpretations from state to state. The Maharashtra government passed a law in February 1999 banning strikes in essential services, including transport services, milk supply services, the electricity department, and hospitals. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions. This prohibition is observed in practice.

The Kerala High Court declared in July 1997 that all general strikes (*bandhs*) were illegal and all organizers of protests would be liable for losses caused by shutdowns. Later in the year, the Supreme Court upheld the verdict drawing attention to the difference between a complete closedown of all activities (*bandh*), and a general strike (*hartal*). While it is likely that the ruling was introduced in relation to political strikes, unions stated that it remained a potential threat to their activities. Other court rulings during 1997 also declared strikes illegal and made striking workers pay damages because consumers and the public suffered during strikes.

According to Ministry of Labor statistics, as of June there had been 127 strikes and lockouts throughout the country during the year, involving 39,265 workers. In all, 63,000 "person-days" were lost due to strikes and 900,000 "person-days" were lost due to lockouts during this period. For example, in February over 100,000 workers of a colliery in Andhra Pradesh went on a 13-day strike demanding better wages and other benefits. The company later agreed to some of the workers' demands. In addition, during the year approximately 80,000 workers went on strike for about 2 weeks in Uttar Pradesh to protest the government's plans to reorganize the state electricity board along corporate lines. The government succeeded in reorganizing the electricity board along corporate lines despite the workers' protest.

When abuses, such as intimidation or suppression of legitimate trade union activities, are perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally respond by prosecuting and punishing

those persons responsible. Unaffiliated unions are not able, in all instances, to secure for themselves the protections and rights provided by law.

In June the Government announced its intention to modify the Trade Union Act. The Government convened the Indian Labor Conference, which brought together government and trade union representatives to discuss modification of the Trade Union Act, but the conference took no substantive action on the act and it remained unchanged at year's end.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions (ICFTU), while the All India Trade Union Congress is affiliated with the World Federation of Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The right to bargain collectively has existed for decades. The Trade Union Act prohibits discrimination against union members and organizers, and employers are penalized if they discriminate against employees engaged in union activities.

Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defend worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there are long delays and a backlog of unresolved cases. When the parties are unable to agree on equitable wages, the Government may establish boards of union, management, and government representatives to determine them.

In practice legal protections of worker rights are effective only for the 30 million workers in the organized industrial sector, out of a total work force of more than 400 million persons. Outside the modern industrial sector, laws are difficult to enforce. Union membership is rare in the informal sector, and collective bargaining does not exist.

There are seven Export Processing Zones (EPZ's). Entry into the EPZ's ordinarily is limited to employees. Such entry restrictions apply to union organizers. All companies bus their workers directly to and from the factory. While workers in the EPZ's have the right to organize and to bargain collectively, union activity is rare. In addition unions have not pursued vigorously efforts to organize private-sector employees anywhere in the years since EPZ's were established. There have been efforts to organize workers in the EPZ's and unions have complained that such attempts were suppressed in Kerala and Gujarat. The fact that organizers are barred from EPZ's and workers are bused to EPZ's helps prevent unions from forming. Women constitute the majority of the work force in the EPZ's. The ICFTU reports that overtime is compulsory in the EPZ's, that workers often are employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers fear that complaints about substandard working conditions would result in their being fired. In March 1999, the Union Ministry of Commerce announced its intention to convert all EPZ's into free trade zones and eliminate government interference in their functioning. Because of trade unions' and the Union Ministry of Labor's opposition to this change, the Government did not implement the plan. In June the Government announced its intention to establish special economic zones patterned on the Chinese model, and on November 1, four out of seven existing EPZ's were converted without significant opposition. These zones are not exempt from labor legislation.

*c. Prohibition of Forced or Compulsory Labor.*—Both the Constitution and specific statutes prohibit forced or compulsory labor, and bonded labor, as a form of compulsory labor, also is prohibited by statute; however, such practices are widespread. The Bonded Labor System (Abolition) Act of 1976 prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions are rare. Enforcement of this statute, which is the responsibility of state and local governments, varies from state to state and generally has not been effective, due to inadequate resources and to societal acceptance of bonded or forced labor. Labor inspectors at the state and local level have overwhelming case loads, and in many cases, do not receive adequate support or protection to challenge employers, who often have direct access to government officials. On the occasions when inspectors refer violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently result in acquittals. NGO's estimate that there are 5 to 40 million bonded laborers in the country, including a large number of children (see Section 6.d.). According to HRW, the majority of bonded laborers are Dalits (see Section 5), and bondage is passed from one generation to the next.

A Supreme Court decision defined forced labor as work at less than the minimum wage, which usually is set by the state governments. Under this definition, which differs from that of the ILO, forced labor is widespread, especially in rural areas.

Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, is illegal but widespread. The Government estimates that between enactment of the Bonded Labor (Abolition) Act in 1976 and March 1999, 280,340 bonded workers were released from their obligations. Other sources maintain that those released constituted only one-twentieth of the total number of bonded laborers. State governments provide a sum of money to workers freed from bondage for their rehabilitation. In response to the 1997 Supreme Court decision requesting the NHRC to oversee implementation of the Bonded Labor System (Abolition) Act, the NHRC formed a high-level "Central Action Group," which reviews compliance routinely. The NHRC also appointed a special rapporteur to work in Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu and report on compliance. In addition the NHRC briefed state governments on their responsibilities and instituted a system for receiving regular reports from the states. The NHRC also assessed the bonded labor problem, identifying districts in which it especially is acute. It identified and evaluated NGO's working in these areas, and conducted training in bonded labor law enforcement for district officials in the acutely affected areas. In November 1996, the Supreme Court directed each state to undertake a survey of bonded laborers. The surveys were carried out and identified 28,916 bonded laborers throughout the country. In February 1997, the Supreme Court required state governments to file detailed affidavits on the status of bonded laborers. Some press reports indicate that Tamil Nadu alone has an estimated 25,800 bonded laborers, in response to which the state government began implementing and continues to work on rehabilitation plans. In 1999 alone, it allocated \$1.25 million (54.4 million rupees) for these plans. According to Union Ministry of Labor Statistics, from 1976 to March 31, the Tamil Nadu government identified and released 63,894 bonded laborers. Government officials worked to release other bonded laborers in many of the country's states. In West Bengal, organized traffic in illegal Bangladeshi immigrants is a source of bonded labor (see Section 6.f.).

The working conditions of domestic servants and children in the workplace often amount to bonded labor. Children sent from their homes to work because their parents cannot afford to feed them, or in order to pay off a debt incurred by a parent or relative, have no choice in the matter. There are no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claim that they are unable to stop this practice because the children are working with their parents' consent. In addition there is a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: Brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries expose children to particularly hazardous work conditions (see Section 6.d.). In its first attempt to address the issue of domestic child labor, during the year the Government issued a notification prohibiting government employees from hiring children as domestic help. Those employers who failed to abide by the law would be subject to penalties provided by the Bonded Labor System (Abolition) Act (such as fines and imprisonment), but also to disciplinary action at the place of work.

In 1998 an HRW team headed by the Karnataka state labor commissioner conducted surprise inspections on silk twining factories in and around the town of Magadi. The team found 53 child workers under the age of 14 years working in the plants, forbidden to talk to each other, and beaten for slow work. The labor commissioner estimated that there were 3,000 bonded child laborers in the Magadi silk twining factories. In response UNICEF has started a non-formal education program for the estimated 3,000 bonded child laborers working in the industry. By year's end, about 260 children had been enrolled. In addition UNICEF began a micro-credit program for the parents of these children to create income-generating opportunities as an alternative to child labor.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of forced prostitution are widespread problems (see Section 6.f.). According to press reports, prison officials have used prisoners as domestic servants and sold female prisoners to brothels (see Section 1.c.). Devadasis, prepubescent girls given to a Hindu deity or temple as "servants of God," are taken from their families and required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels (see Sections 5 and 6.f.).

In Punjab persons routinely are sold in an organized trade in weekend bazaars for the purposes of forced domestic labor and forced sexual service. In 1998 one per-

son was arrested in connection with this human trade. He later was released on bail.

In December 1999, domestic media reported that child laborers were being sold in an organized ring at the annual Sonepur cattle fair in Bihar. According to these reports, children of impoverished families in surrounding districts are brought to the fair and sold. One reporter talked to a buyer, a shopkeeper, who paid \$21 (900 rupees) for a 12-year-old child. Persons sometimes are sold into virtual slavery (see Sections 5 and 6.f.).

NGO's such as the Bonded Labor Liberation Front worked to release bonded laborers throughout the year.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Article 24 of the Constitution and the Child Labor (Prohibition and Regulation) Act of 1986 are the principal protections against the exploitation of children in the workplace. Provisions for the protection of children in the workplace also are made in the Beedi and Cigar Workers (Condition of Employment) Act of 1966, the Factories Act of 1948, the Mines Act of 1952, the Motor Transport Workers Act of 1961, the Plantations Labor Act of 1951, and the Minimum Wages Act of 1948. The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively (see Section 6.c.).

The enforcement of child labor laws is the responsibility of the state governments. Enforcement is inadequate, especially in the informal sector in which most children who work are employed. The continuing prevalence of child labor is attributed to social acceptance of the practice, to the failure of the state and federal governments to make primary school education compulsory, and ineffective state and federal government enforcement of existing laws.

Work by children under 14 years of age is barred completely in "hazardous industries," which include passenger, goods, and mail transport by railway; carpet weaving; cinder picking; cleaning of ash pits; cement manufacturing; building and construction; cloth printing; dyeing and weaving; manufacturing of matches, explosives, and fireworks; catering within railway premises or port limits; beedi (cigarette) making; mica cutting and splitting; abattoirs; wool cleaning; printing; cashew and cashew nut descaling and processing; and soldering processes in electronics industries. In January 1999, the Government added 6 occupations and 33 processes to the list of occupations and processes in which children are barred from working by the 1986 Child Labor (Prohibition and Regulation) Act. The additions brought the totals to 13 occupations and 51 processes in which children are prohibited from working under the act.

In addition to industries that utilize forced or indentured child labor (see Section 6.c.), there is evidence that child labor is used in the following industries: Hand-knotted carpets; gemstone polishing; leather goods; and sporting goods.

In occupations and processes in which child labor is permitted, work by children is permissible only for 6 hours between 8 a.m. and 7 p.m., with 1 day's rest weekly.

The BJP-led coalition Government continued its predecessors' plan to eliminate child labor from hazardous industries and eventually from all industries, but it did not repeat the previous government's pledge to accomplish the former by 2000 and the second by 2010. This program, for which approximately \$56.69 million (2.64 billion rupees) has been budgeted since 1992, includes the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas which child labor is concentrated, and a public awareness campaign. The Government continued efforts initiated in 1987 to enhance enforcement of the Child Labor (Prohibition and Regulation) Act of 1986 and other laws prohibiting and regulating child labor. In 1988 the Government started the National Child Labor Project (NCLP) to release children from hazardous work places and provide them with transitional schooling leading to mainstreaming in regular schools, and other forms of assistance. In addition government programs assist working children in rural development, women and child development, health, and adult job-creation programs. The NCLP targeted 12 districts in which child labor was prevalent at its inception in 1988. The NCLP has grown to cover 91 districts in 10 states. From April 1999 To January 31, 145,725 children participated in the NCLP. Since its inception, the program is estimated to have helped more than 500,000 children leave work and start school. During their participation in the NCLP, the children's families are given a small stipend—usually \$2.15 to \$4.30 (100 to 200 rupees) per month. Nevertheless, government efforts to eliminate child labor have affected only a small fraction of children in the workplace. A 1996 Supreme Court decision raised penalties for employers of children in hazardous industries to \$430 (20,000 rupees) and established a welfare fund for formerly employed children. According to the South Asian Coalition on Child Servitude (SACCS), authorities are pursuing some 6,000 cases against employers. The Supreme Court ruling also has helped make local govern-

ment officials more aware of the prohibitions against child labor in hazardous industries. This in some cases, has helped improve cooperation between local officials and NGO's like SACCS that are removing children from hazardous workplaces. One recent example of such cooperation occurred on December 29, in Bhadohi district, Uttar Pradesh, in which SACCS and local law enforcement officials released 11 child laborers from work on looms for the production of hand-knotted carpets and initiated legal proceedings against the employer. During the year, SACCS helped release about 135 child laborers in Bhadohi district alone. According to the Tamil Nadu Labor Department, 155 child laborers were freed from illegal workplaces between April and October 1999, out of the 10,118 child laborers identified in 2 surveys carried out in the state in 1997. State labor officials acknowledged that many more child laborers exist in the state.

Estimates of the number of child laborers range widely. The Government census of 1991 puts the number of child workers at 11.28 million. The ILO estimates the number at 44 million, while NGO's state that the figure is 55 million. Interpolation of census figures by the National Labor Institute indicates that of a total of 203 million children between the ages of 5 and 14, 116 million are in school, 12.6 million are in full-time employment, and the status of 74 million is unknown. Most, if not all, of the 87 million children not in school do housework, work on family farms, work alongside their parents as paid agricultural laborers, work as domestic servants, or otherwise are employed. A Supreme Court-ordered survey of child labor throughout the country was completed during 1997 and documented the existence of some 126,665 wage-earning child laborers. When this figure was challenged as patently low, the states conducted a second survey, in which an additional 428,305 child laborers in hazardous industries were found. However, even the combined total of the two surveys understates the true dimension of the problem.

According to the ILO, labor inspectors conducted 13,257 inspections in 1997-98, finding 958 violations of the Child Labor Prohibition Act, prosecuting 676 of these cases, and obtaining 29 convictions. Those convicted of violating the Child Labor (Prohibition and Regulation) Act are fined \$460 (20,000 rupees) for each child employed. The Government is required to find employment for an adult member of the child's family or pay \$108 (5,000 rupees) to the family instead. According to the Government, in 1996-97, labor inspectors conducted 35,886 inspections, over twice as many as the following year. Between 1993 and the end of 1997, the Government released about 8,000 children from illegal workplaces and brought charges against approximately 4,000 employers. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGO's have worked with the state government to establish a task force for the elimination of child labor. SACCS reported freeing some 135 child laborers in the hand-knotted carpet industry during the year from Bhadohi district in Uttar Pradesh alone.

Employers in some industries also have taken steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi-governmental organization that receives funding from the Ministry of Textiles, has a membership of 2,500 exporters who have subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducts inspections to insure compliance, and allows members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which is a private initiative, operates a similar voluntary label scheme. Rugmark has 228 exporter members who buy carpets from the 28,118 looms registered with Rugmark. However, the CEPC states that even with the program it is impossible to ensure that a carpet has been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A privatesector research and consulting firm conducts the inspections, which cover only 10 percent of registered looms. The inspectors have difficulty locating unregistered looms. The Government also cooperates with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor. Since 1992 it has participated in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 90,000 children were removed from work and received education and stipends through IPEC programs since the start of its program in 1992.

NGO's also have helped to free children from the work force. For example, since 1999 SACCS has freed over 34,000 children from the work force; it also operates an education and training center for children in New Delhi. From 1999 through year's end, SACCS freed 541 child laborers throughout the country through raids with law enforcement authorities on illegal workplaces. SACCS's intervention with parents resulted in the release of an additional 2,758 children, and its referral of cases to law enforcement agencies resulted in the release of 3,994 more child laborers over the same period. In many cases, charges were brought against the employers under the 1986 Child Labor (Prohibition and Regulation) Act.

The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases.

Primary school education is not compulsory, free, and universal (see Section 5).  
*e. Acceptable Conditions of Work.*—The directive principles of the Constitution declare that “the State shall endeavor to secure . . . to all workers . . . a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.” Laws set minimum wages, hours of work, and safety and health standards. Laws governing minimum wages and hours of work generally are observed in industries subject to the Factories Act but largely are unenforced elsewhere and do not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages vary according to the state and to the sector of industry. Such wages provide only a minimal standard of living for a worker and are inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act receive much more than the minimum wage, including mandated bonuses and other benefits. The state governments set a separate minimum wage for agricultural workers but do not enforce it effectively. Some industries, such as the apparel and footwear industries, do not have a prescribed minimum wage in any of the states in which such industries operate.

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally are enforced and accepted in the modern industrial sector, but tend not to be observed in older and less economically robust industries. State governments are responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors and the inspectors’ limited training and susceptibility to bribery result in lax enforcement.

The enforcement of safety and health standards also is poor. Although occupational safety and health measures vary widely, in general state and central government resources for inspection and enforcement of standards are adequate. However, as awareness grows, the courts have begun to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to improper enforcement. Chemical industries are the most prone to accidents. According to the Director General of Mines’ safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines are to be bulldozed and reforested. These rules are obeyed seldom, if ever. According to the Coal Ministry, between 1995 to 1999, 1,201 persons were killed in registered mines and oil fields, 822 (68 percent) of whom died in coal mines, mostly underground; approximately 3,000 persons were injured in mining accidents. Illegal mining is rampant. For example, Oswal Fertilizer Ltd.’s (OFL) new Diamonium Phosphate fertilizer plant at Paradip, Orissa, began operations in May. Eleven workers died during the plant’s construction; an additional 6 persons were killed and 51 others were injured in a series of accidents at the plant from May to September. None of the workers was using safety equipment. Seven criminal cases have been brought against OFL in connection with the accidents.

Safety conditions tend to be better in the EPZ’s.

The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The country is a significant source, transit point, and destination for numerous trafficked persons, primarily for the purpose of forced prostitution and forced labor.

The country’s legal code generally is technically adequate for dealing with the problems of trafficking, violence against women, and prostitution. The Prevention of Immoral Trafficking Act (PITA) of 1986 superseded and strengthened the All-India Suppression of Immoral Traffic Act (SITA). The PITA sought to toughen penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The PITA requires police to use only female police officers to interrogate girls rescued from brothels. The PITA also requires the State to provide protection and rehabilitation for these rescued girls. In addition the PITA grants a form of quasi-toleration of prostitution, as prostitution, per se, is not a crime under the PITA, which criminalizes only solicitation or practice in or near a public place. Some NGO’s note that this ambiguity, which is intended to protect trafficking victims, has been exploited to protect the sex industry. Due to the selective implementation of the PITA, the “rescue” of sex workers from brothels often leads to their revictimization. On June 25, 14 underage rescued sex workers fled the government shelter in Mumbai, citing poor conditions

and “inhuman treatment.” On August 31, the Mumbai High Court instructed the Maharashtra government to improve conditions in its rescue homes.

The country's prostitution and trafficking laws fail to impose on the clients and organizers of the sex trade the same penalties imposed on prostitutes found soliciting or practicing their trade in or near (200 meters) public places. Using the PITA's provisions against soliciting or practicing, police regularly may arrest sex workers, extort money from them, evict them, and take their children from them. The client by comparison largely is immune from any law enforcement threat, as he has committed a crime only if he is engaged in sex with a sex worker in a public place or is having sex with a girl under the age of 16 years (statutory rape). Similarly, although the intention of the 1986 PITA was to focus enforcement efforts against the traffickers, pimps, and border operators, the opposite currently is the reality; a Calcutta NGO reports that an average of about 80 to 90 percent of the arrests made under the PITA in West Bengal state in the 1990's are of female sex workers. Police implementation of the PITA similarly is inadequate throughout the country; only a small fraction of arrests made under the PITA involve the trafficker. Implementation of the PITA's provisions for protection and rehabilitation of women and children who are rescued from the sex trade is extremely poor. NGO's familiar with the legal history of prostitution and trafficking laws regard the failure of the judiciary to recognize this inequity in the law's practice as a continuing “blind spot.” Over the last several years, arrests and prosecutions under the PITA have remained relatively static, while all indicators suggest a growing level of trafficking into and within the country.

NGO's allege that ignorance of trafficking, a lack of political resolve to tackle it, and corruption at the enforcement level perpetuate the problem. Although the police are charged with enforcing the country's laws on prostitution and trafficking in women and children, NGO's, observers, and sex workers uniformly view police actions as part of the problem. Sex workers in Mumbai and Calcutta claim that harassment, extortion, and occasional arrests on soliciting charges usually characterize police intervention. The police seldom are seen as a positive force that addresses the violence of pimps and traffickers while protecting underage girls from bonded sex labor. A commonly held view among sex workers and NGO's is that local police and politicians responsible for the red light areas receive bribes from organized crime networks to protect the lucrative sex trade.

Over 1 million girls and women are believed to be forced into the sex industry within the country at any given time. Women's rights organizations and NGO's estimate that more than 12,000 and perhaps as many as 50,000 women and children are trafficked into the country annually from neighboring states for the sex trade. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes are children. The traffic is controlled largely by organized crime.

There is a growing pattern of trafficking in child prostitutes from Nepal. According to one estimate, 5,000 to 7,000 children, mostly between the ages of 10 and 18, are drawn or forced into this traffic annually. Girls as young as 7 years of age are trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of India to the major prostitution centers of Mumbai, Calcutta, and Delhi. Currently there are about 100,000 to 200,000 women and girls working in brothels in Mumbai and 40,000 to 100,000 in Calcutta. In Mumbai an estimated 90 percent of sex workers began when they were under 18 years of age; half are from Nepal. A similar profile is believed to exist among female sex workers in Calcutta, although the vast majority of women who are trafficked there come from Bangladesh, as opposed to Nepal. NGO's in the region estimate that about 6,000 to 10,000 girls are trafficked annually from Nepal to Indian brothels, and that a similar number are trafficked from Bangladesh.

Within the country, women from economically depressed areas often move into the cities seeking greater economic opportunities, and once there are victimized by traffickers who force or coerce them into the sex trade. However, in some cases family members sell young girls into the sex trade. For example, according to a local NGO researcher, in one village in Uttar Pradesh, girls 1 to 2 years of age are purchased from their parents and adopted by persons who train them for the sex trade through the use of pornographic materials, and sell them into the sex trade when they are 7 to 12 years old.

Many indigenous tribal women are forced into sexual exploitation. According to the Indian Center for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation; many come from tribes that were driven off their land by national park schemes. In Punjab persons of both sexes are sold in an organized trade in weekend bazaars, ostensibly as farm labor; many instead are purchased for the purposes of

forced sexual service. In 1998 one person was arrested in connection with the trade. He was released later on bail.

The number of women being trafficked out of the country to other countries is comparatively low. In July authorities cooperated with U.S. investigators seeking evidence in the prosecution of Lakreddy Bali Reddy, a U.S. citizen of Indian birth, who was indicted for trafficking minor girls for sexual exploitation from a rural area of Andhra Pradesh to the U.S. Reddy allegedly paid the airfares and expenses of 350 to 400 young men and women aged approximately 13 to 18 years, mostly from low castes, and obtained their passports and visas—ostensibly to work as specialty cooks or laborers in his restaurants or apartment business. However, upon arrival in the U.S., the girls reportedly were put to work in a prostitution ring. Some of the girls claimed that Reddy had sex with them in India after their parents sold them; at least one victim was 12 years old.

In a study published in 1996, the National Commission for Women reported that organized crime plays a significant role in the country's sex trafficking trade, and that women and children who are trafficked frequently are subjected to extortion, beatings, and rape. How women are trafficked varies widely: some are abducted forcibly or drugged, while others are made false offers of marriage, employment, or shelter. Poverty, illiteracy, and lack of employment opportunities contribute to the trafficking problem, although organized crime is a common element in all trafficking incidents, as is police corruption and collusion.

Trafficking of persons within and into the country for forced labor also is a significant problem. In December 1999, the media reported that an organized ring was selling children from surrounding areas for labor at the annual Sonepur cattle fair in Bihar. There was a report that a 12-year-old child was purchased for \$21 (900 rupees). In July a Mangalore, Karnatakabased NGO reported that tribal children were being auctioned in the Dakshina-Kanara district of the state primarily for use as domestic servants. The Karnataka Department of Social Welfare initiated an investigation, which it completed during the year (see Sections 5 and 6.c.). It found that the children were not being auctioned, but that better-off families in the district were employing many of them as domestic servants. The Department of Social Welfare suggested that more efficient implementation of ongoing development programs for tribal people in the district offered the best remedy for the child labor problem.

In West Bengal, the organized traffic in illegal Bangladeshi immigrants is a source of bonded labor. In June police in Krishnagar, West Bengal detained 8 Bangladeshi women and 14 children transiting the district by bus. Agents allegedly smuggled the group from Jessore, Bangladesh across the border at Bongaon by offering them employment in Mumbai. Calcutta is a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes are sold into virtual slavery.

Many boys, some of whom are as young as age 4, are trafficked to West Asia or the Persian Gulf States (especially the United Arab Emirates), and end up as riders in camel races. Some such boys end up as beggars in Saudi Arabia during the hajj. It is estimated that there are anywhere from 100 to over 1,000 underage South Asian camel jockeys (from Pakistan, India, and Bangladesh) currently working in the United Arab Emirates alone. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (9,300 rupees) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (6,975 rupees) per month from the labor of each child. The usual procedure used for bringing the children to the Gulf States is to have their names added to the passport of a Bangladeshi or Indian woman who already has a visa for the Gulf; the children fraudulently are claimed to be her children. Girls and women trafficked to the Persian Gulf States end up either as domestic workers or sex workers.

NGO's and others allege that when police take action against brothels suspected of enslaving minors, the resulting police raids often are planned poorly and seldom are coordinated with NGO's or government social agencies. Therefore, the police action often worsens the situation of the girls and women indebted to traffickers and brothel owners. Girls rescued from brothels are treated as criminals and often are abused sexually by their police rescuers or by the staff of government remand centers, where they are housed temporarily before being brought back to the brothels as a result of the bribes paid by brothel operators, or legally released into the custody of traffickers and madams posing as relatives. In these cases, the debt owned by the girls to the brothel operators and traffickers further increases as the costs of bribing or legally obtaining release of the girls is added to their labor debt. NGO's invariably indicate the 1996 police roundup of 476 sex workers in Mumbai as an

illustration of the consequences of forced sweep rescues. Police in Mumbai carried out no such sweeps during the year.

As was the case in the 1996 raids, NGO's claim that they seldom are given advance notice of police raids on brothels and therefore are not able to lend valuable assistance in identifying and interviewing underage victims. Moreover police do not seek advice or assistance from NGO's in planning law enforcement action to protect the victims during raids. Although over 400 girls and women were arrested in the 1996 raids, few pimps or brothel managers were arrested, and none were prosecuted to conviction. The NGO's found themselves caught off guard by the large-scale police action and were illprepared to cope with a sudden huge demand for shelter for the rescued sex workers. As a result, many of the girls were sent to government centers known for their harsh conditions and considered by many to be in a worse state than the brothels. Ultimately, some of the girls died in state detention and many returned to the sex trade voluntarily, given their lack of options. Success stories from the 1996 raids were rare.

Some NGO's know about trafficking conditions in the brothel areas such as Kamathipura, including identification of traffickers and locations of girls being held captive by brothel owners. However, because of the lingering effects of the 1996 raids, most of these NGO's are reluctant to trust the police with this information. Cooperation among NGO's in sharing information and assessing out the magnitude and scope of the trafficking problem in Mumbai has not been significant to date, although it continues to improve. Some Mumbai NGO's have worked aggressively to sensitize, train, and create awareness of trafficking among local authorities. The case of the NGO Prerana, which has been working closely with government officials, is a good example. During the year, a Prerana pilot program trained employees of a large Maharashtra government enterprise to identify and assist trafficking victims during their daily bus commute; Prerana also has enlisted the assistance of state police, who help train the workers. Conversely, other NGO's working to rescue women and girls from forced sexual work report that complaint-based police rescues are quite effective. Unlike the sweep type rescues such as the one carried out in Kamathipura in 1996, these are focused attempts to rescue a small number of women and girls using specific information about the victim's location, names and appearance, often supplied by NGO's; police responses in such cases frequently have resulted in the rescue of the women and girls involved.

Similar efforts to improve NGO coordination are being made in Calcutta, where some 10 NGO's meet monthly as part of the "Action Against Trafficking and Sexual Exploitation of Children" forum. Every 3 months the group attempts to meet with its Bangladeshi and Nepalese counterparts. Calcutta NGO's such as Sanlaap also are seeking to build stronger working relationships with local police. As a result of this coordination, Sanlaap has built stronger working relationships with police and other law enforcement officials in Calcutta. It has organized and sponsored meetings between representatives of the sex workers and police to discuss such issues as violence against women and trafficking. The seminars have helped sensitize police to the fact that many of the sex workers are the victims of organized traffickers. Sanlaap invariably is the first organization Calcutta police turn to when they have rescued a trafficked sex worker. The NGO has been allowed to place a counselor at the West Bengal Remand Home for Women, where rescued trafficking victims are housed. It also has been permitted to place counselors in police stations within Calcutta's red light district and has convinced the courts to release young trafficking victims into its custody, instead of sending them to the remand home.

There are roughly 80 NGO's in 10 states around the country working for the emancipation and rehabilitation of women and children trafficked into the sex trade.

A group on child prostitution established by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

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## MALDIVES

The Republic of Maldives, which comprises 1,190 islands (less than 200 of which are inhabited), with a population of approximately 270,000, has a parliamentary form of government with a very strong executive. The President appoints the Cabinet, members of the judiciary, and one-sixth of the Parliament. The President derives additional influence from his constitutional role as the "supreme authority to propagate the tenets" of Islam. Political parties are officially discouraged, and candidates for the unicameral legislature, the People's Majlis, run as individuals. The

Majlis selects a single presidential nominee who is approved or rejected in a national referendum. President Gayoom was approved for a fifth 5-year term in October 1998. The Majlis must approve all legislation and is empowered to enact legislation without presidential approval. Civil law is subordinate to Islamic law, but civil law generally is applied in criminal and civil cases. The judiciary is subject to executive influence.

The National Security Service (NSS) performs its duties under effective civilian control. The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest.

Fishing, small-scale agriculture, and tourism provide employment for over one-half of the work force. Tourism accounts for over one-quarter of government revenues and roughly 40 percent of foreign exchange receipts. Manufacturing accounts for 6 percent of gross domestic product.

The Government generally respected the human rights of its citizens in a number of areas; however, its record was poor in some other areas, particularly with regard to political and religious freedoms. The President's power to appoint a significant portion of the Parliament constrains citizens' ability to change their government. The Government limits freedom of assembly and association. There are significant restrictions on the freedom of religion; in the past, the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Although the Government has undertaken a number of programs addressing women's issues, women face a variety of legal and social disadvantages. Some of these disadvantages are linked to the Government's observance of Shari'a (Islamic law) and other Islamic customs. The Government also restricts worker rights. Nonetheless, in recent years there has been some progress in certain areas. The Majlis has assumed a more active political role in recent years, and its members routinely differ with government policy on many issues. The courts were reorganized in 1997, and a new Constitution, which provides for the protection of certain fundamental rights, went into effect at the beginning of 1998. In addition procedural rules limiting indefinite police detention were instituted in 1998, and the presidential nominating process involved competition among candidates for the first time in 1998. A continued easing of government restrictions and the Press Council's balanced handling of issues related to journalistic standards allowed a greater diversity of views in the media, although most media outlets are controlled by persons friendly to the Government or by the Government itself.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—There were no reports of beatings or other mistreatment of persons in police custody during the year; however, convicted criminals may be flogged under judicial supervision when this punishment is prescribed by Islamic law as interpreted in the country (i.e., only when the criminal confesses to the crime and only for the offenses of marital infidelity and alcohol abuse). There were no public floggings during the year. In 1998 there were two private floggings (carried out without public spectators) due to the confession of an extramarital affair. The man was subsequently banished, and the woman was placed under house arrest for 12 months. Punishments usually are confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permits those who are banished to receive visits by family members.

The country's prison was destroyed by fire in 1999. Following the fire, the Government transferred prisoners to a temporary facility on Maafushi, which houses a fluctuating population of approximately 300 inmates (including 20 women who are housed in a separate compound). Children also are housed in separate center for juveniles. Prison conditions at the current facility, including food and housing, generally are adequate. Prisoners are allowed to work in prison and given the opportunity for regular exercise and recreation. Spouses are allowed privacy during visits with incarcerated partners. However, Amnesty International (AI) reported that in 1998, in the since-destroyed prison, prisoners were mistreated. The Government is surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and it has requested training for prison guards.

The Government has permitted prison visits by foreign diplomats. The issue of visits by human rights groups is not known to have arisen.

*d. Arbitrary Arrest, Detention, or Exile.*—The 1997 Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for arrest or detention; however, in 1998 authorities arbitrarily detained foreign Christians for allegedly proselytizing and detained citizens who supposedly converted (see Section 2.c.). Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They are not required to obtain warrants for arrests. Based on the results of police investigations, the Attorney General refers cases to the appropriate court. The authorities generally keep the details of a case confidential until they are confident that the charges are likely to be upheld. In the past, persons have been held for long periods without charge.

Depending upon the charges, a suspect may remain free, be detained in prison, or placed under house arrest for 15 days during investigations. The President may extend pretrial detention for an additional 30 days, but in most cases the suspect is released if not brought to trial within 15 days. Those who are released pending trial may not leave a specific atoll. The law providing for the indefinite detention of individuals under investigation was revised substantially in 1998. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual can then be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous three-member civilian commission appointed by the President that can authorize an additional 15 days' detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. There is no right to legal counsel during police interrogation. There is no provision for bail.

The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. While there have been no reported cases of incommunicado detention in recent years, the law does not provide safeguards against this abuse.

There were no reports of the external exile of citizens, although 24 foreigners suspected of proselytization were banished for life in 1998 (see Section 2.c.). The Government sometimes banishes convicted criminals to inhabited atolls away from their home communities; a man who confessed to an extramarital affair in April 1998 was banished for 1 year. AI reported that in 1999, 10 persons from Faafu Magoodhoo were banished, reportedly without trial, for trying to organize a demonstration against the local atoll chief.

*e. Denial of Fair Public Trial.*—The 1997 Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the Majlis. The President nevertheless has removed only two judges since 1987. Both dismissals followed the recommendation of the Justice Ministry that found the judges' professional qualifications to be below standard. The President may also grant pardons and amnesties.

In September 1997, the court system, under the Ministry of Justice, was reorganized and court administration has improved. There are three courts: One for civil matters; one for criminal cases; and one for family and juvenile issues. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There is also a High Court on Male, which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. Under a 1995 presidential decree, High Court rulings can be reviewed by a five-member advisory council appointed by the President. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision. In addition to the Male courts, there are 204 general courts on the islands.

There are no jury trials. Most trials are public and are conducted by judges and magistrates trained in Islamic, civil, and criminal law. Magistrates usually adjudicate cases on outer islands, but when more complex legal questions are involved, the Justice Ministry will send more experienced judges to handle the case.

The Constitution provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a" (Islamic law). During a trial, the accused also may call witnesses, and be assisted by a lawyer. Courts do not provide lawyers to indigent defendants. Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions

should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the right to counsel was denied in the lower court. Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equal.

There were no confirmed reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The 1997 Constitution prohibits security officials from opening or reading letters, telegrams, and wireless messages or monitoring telephone conversations, "except as expressly provided by law." The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the 1997 Constitution provides residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

The Government is attempting to concentrate the population on the larger islands by providing government services and concentrating job creation efforts there. The smaller islands are to be provided with only "basic services." However, no one is being coerced to move to the larger islands under this program.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law prohibits public statements that are contrary to Islam, threaten the public order, or are libelous.

The Penal Code prohibits inciting citizens against the Government. However, a 1990 amendment to the Penal Code decriminalized "any true account of any act of commission or omission past or present by the Government in a lawfully registered newspaper or magazine, so as to reveal dissatisfaction or to effect its reform."

Regulations that make publishers responsible for the content of the material they published remain in effect but did not result in any legal actions during the year.

Most major media outlets are owned either by the Government or its sympathizers. Nonetheless these sympathetic outlets do on occasion strongly criticize the Government.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The Council reviews charges of journalist misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media (recommending reforms and making suggestions for improvement). Private journalists have said that they are satisfied with the Council's objectivity and performance. The Government agreed that private journalists, rather than the Government, should take responsibility for preparation of a journalistic code of ethics. Individual newspapers and journals established their own ethical guidelines in many cases.

There were no reports of government censorship of the electronic media, nor were there closures of any publications or reports of intimidation of journalists. Television news and public affairs programming routinely discussed topics of current concern and freely criticized government performance. Regular press conferences with government ministers instituted in 1995 continued. Journalists are more self-confident than in the past; self-censorship appears to have diminished, although it remains a problem. Since it is not clear when criticism violates the law prohibiting public statements that are contrary to Islam, threaten the public order, or are libelous, journalists and publishers continue to watch what they say, particularly on political topics, to avoid entanglement with the Government.

Pornography and material otherwise deemed objectionable to Islamic values may be banned. In 1999 the Government banned the animated movie "The Prince of Egypt," on the grounds that it was offensive to Islam (see Section 2.c.).

In 1997 the Government banned a book written by an elderly close relative of the President for its derogatory comments about a deceased previous president, after the relatives of the latter complained.

Although 88 newspapers and periodicals are registered with the Government, only about 60 regularly publish. Aafathis, a morning daily, is often critical of government policy. Another daily, Miadhu, began publishing in 1996, and Haveeru is the evening daily. Both Miadhu's and Haveeru's publishers are progovernment.

The Government owns and operates the only television and radio station. It does not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts are aired on the Government television station.

Cable News Network (CNN) is shown, uncensored, daily on local television. In 1996 a company began providing Internet service. The Government enacted no regu-

lations governing Internet access but blocks distribution of pornographic material via the Internet.

There are no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year.

There are no reported restrictions on academic freedom. Some teachers reportedly are vocal in their criticism of the Government.

*b. Freedom of Peaceful Assembly and Association.*—The 1997 Constitution provides for freedom of assembly “peaceably and in a manner that does not contravene the law;” however, the Government imposes limits on this right in practice. The Home Ministry permits public political meetings during electoral campaigns but limits them to small gatherings on private premises.

The Government registers clubs and other private associations if they do not contravene Islamic or civil law; however, the Government imposes some limits on freedom of association. While not forbidden by law, the President officially discourages political parties on the grounds that they are inappropriate to the homogeneous nature of society. However, many Majlis members were active and outspoken critics of the Government and have stimulated closer parliamentary examination of government policy.

*c. Freedom of Religion.*—Freedom of religion is restricted significantly. The 1997 Constitution designates Islam as the official state religion, and the Government interprets this provision to impose a requirement that citizens be Muslims. The practice of any religion other than Islam is prohibited by law. However, foreign residents are allowed to practice their religion if they do so privately. On July 4, the commemoration of the day the country embraced Islam, President Gayoom stated that no other religion should be allowed in the country, and the Home Affairs Ministry announced special programs to safeguard and strengthen religious unity. The President, the members of the People’s Majlis, and cabinet members must be Muslims.

There are no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but it generally permits the importation of individual religious literature, such as Bibles, for personal use. It also prohibits non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of Shari’a and may result in a loss of the convert’s citizenship.

Islamic instruction is a mandatory part of the school curriculum, and the Government funds the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications.

In January 1999, the Government banned the animated movie “The Prince of Egypt” on the ground that “its portrayal of the Prophet Moses was offensive to Islam, because all prophets and messengers of God are not to be animated or portrayed in any way” (see Section 2.a.). During June 1998, the authorities detained 24 foreigners (including children) for alleged Christian proselytization without explaining the charges against them and then expelled them from the country for life. Following the expulsion of the foreigners, police took two female citizens into custody for allegedly converting to Christianity. As many as a dozen other citizens were questioned. The women were detained from mid-June to late September 1998, during which time they received extensive counseling. No formal charges were ever brought against them, and they were released to their families. In April 1998, the Government asked the Seychelles Government to stop the radio broadcast of Christian programming in the local language, Dhivehi, to the country. However, the broadcasts continued throughout the year.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens are free to travel at home and abroad, to emigrate, and to return. Because of overcrowding, the Government discourages migration into the capital island of Male or its surrounding atoll. Foreign workers are often kept at their worksites. Their ability to travel freely is restricted, and they are not allowed to mingle with the local population on the islands. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. There were no reports of forced expulsion of those having a valid claim to refugee status.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens’ ability to change their government is constrained, and the strong executive exerts significant influence over both the legislature and the judiciary. Under the 1997 Constitution, the Majlis chooses a single presidential nominee, who must

be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for President are not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of five candidates, President Gayoom was nominated by the Majlis and was confirmed for a fifth 5-year term in October 1998. Observers from the South Asian Association for Regional Cooperation found the referendum to be free and fair.

The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Of the body's 50 members, 42 are elected—2 from each of the 20 inhabited atolls and 2 from Male—and the President appoints 8 members. Individuals or groups are free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There are no political parties, which are officially discouraged.

The Office of the President is the most powerful political institution. The 1997 Constitution gives Islamic law preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam. The President's authority to appoint one-sixth of the Majlis members, which is one-third of the total needed for nominating the President, provides the President with a power base and strong political leverage. The President currently also is commander in chief of the armed forces, the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

Relations between the Government and the Majlis have been constructive. The Government may introduce legislation but may not enact a bill into law without the Majlis' approval. However, the Majlis may enact legislation into law without presidential assent if the President fails to act on the proposal within 30 days or if a bill is repassed with a two-thirds majority. In recent years, the Majlis has become increasingly independent, challenging government policies and rejecting government-proposed legislation.

In 1993 the Majlis introduced a question period during which members may question government ministers about public policy. Debate on the floor has since become increasingly sharp and more open. Elections to the People's Majlis were held in November 1999. According to observers from the South Asian Association for Regional Cooperation (SAARC), the elections were generally free and fair. Several losing candidates entered court challenges, but the courts upheld the election results.

Women are not eligible to become president but may hold other government posts. For reasons of tradition and culture, few women seek or are selected for public office, and women are underrepresented in government and politics. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. In the November 1999 elections, six women ran for seats and two were elected. During the 1999 elections, observers from the SAARC noted that women participated equally in the electoral process. Following the elections, President Gayoom appointed an additional three women to the Majlis.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Although not prohibited, there are no active local human rights groups. The Government has been responsive to at least one foreign government's interest in examining human rights issues. The Government also facilitated visits of teams of SAARC election observers in 1994, 1998, and 1999.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The 1997 Constitution declares all citizens equal before the law, but there is no specific provision to prohibit discrimination based on these factors. Women have traditionally been disadvantaged, particularly in terms of education and the application of Islamic law to matters such as divorce, inheritance, and testimony in legal proceedings.

*Women.*—Women's rights advocates agree that wife beating and other forms of violence are not widespread. There are no firm data on the extent of violence against women because of the value attached to privacy in this conservative society. In 1997 the Government commissioned a study by a local nongovernmental organization (NGO) on domestic violence, but it was never completed. Police officials report that they receive few complaints of assaults against women. Rape and other violent crimes against women are extremely rare. None were reported or prosecuted during the year. Under Shari'a the penalty would be flogging, banishment, or imprisonment for up to 5 years.

Women traditionally have played a subordinate role in society, although they now participate in public life in growing numbers and gradually are participating at higher levels. Women constitute 38 percent of government employees, and about 10 percent of uniformed NSS personnel. Well-educated women maintain that cultural norms, not the law, inhibit women's education and career choices. In many instances, education for girls is curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nonetheless, women enjoy a higher literacy rate (98 percent) than men (96 percent). Due largely to orthodox Islamic training, there is a strong strain of conservative sentiment—especially among small businessmen and residents of the outer islands—that opposes an active role for women outside the home. However, the Government continued legal literacy programs to make women aware of their legal rights and workshops on gender and political awareness in the outer atolls. The Government also has built 10 of 15 planned women's centers in the atolls, which are facilities where family health workers can provide medical services. The centers also provide libraries and space for meetings and other activities with a focus of the development of women.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Islamic law also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal to only one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who work for wages receive pay equal to that of men in the same positions.

In October the Cabinet replaced the National Women's Council with a Gender Equality Council to serve as an advisory body to the Government to help strengthen the role of women in society and to help ensure equal participation by women in the country's development. Also during the year, the Government, with the assistance of the European Union and the U.N. Population Fund, expanded a program of small loans to women for development projects to additional islands.

*Children.*—The Government does not have a program of compulsory education, but it provides universal access to free primary education. The percentage of school-age children actually in school was as follows: (grades 1 to 5) 99.26 percent, (grades 6 to 7) 96.2 percent, and grades (8 to 10) 51.09 percent. Of the students enrolled, 49 percent are female and 51 percent are male. The Government is committed to the protection of children's rights and welfare. The Government is working with UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government established a National Council for the Protection of the Rights of the Child in 1992. Government policy provides for equal access to educational and health programs for both male and female children. Laws protecting children's rights apply with equal force to children of either sex.

Children's rights are incorporated into law, which specifically protects them from both physical and psychological abuse, including abuse at the hands of teachers or parents. The Ministry of Women's Affairs and Social Welfare has the authority to enforce this law, takes its responsibility seriously, and has received strong popular support for its efforts. The Ministry noted an increase in reports of child abuse during the first part of the year with 138 reports involving 317 children, including 10 reports of sexual abuse. Penalties could be banishment or imprisonment for up to 3 years. It is not known if there were any prosecutions during the year. The Government is reviewing the law to see if improvements and additional protections are necessary. There is no reported societal pattern of abuse directed against children.

*People with Disabilities.*—There is no law that specifically addresses the rights of the physically or mentally disabled. In 1999 the Government initiated a survey and identified 30,000 persons in the country as disabled (primarily hearing and sight impaired). The Government has established programs and provided services for the disabled.

Persons with disabilities usually are cared for by their families. When such care is unavailable, persons with disabilities are kept in the Institute for Needy People, which also assists elderly persons. The Government provides free medication for all mentally ill persons in the islands, and mobile teams regularly visit mentally ill patients. In 1999 the Government enacted a new building code, which mandated that all new government buildings and jetties must be accessible to disabled persons. The CARE Society, an NGO that assists the disabled, with funding from UNICEF and the Australian Government, began programs to train disabled persons in life and work skills.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—While the Government does not expressly prohibit unions, it recognizes neither the right to form them nor the right to strike. There

were no reports of efforts to form unions or of strikes during the year. However, small groups of similarly employed workers with mutual interests have formed associations, which include employers as well as employees. These associations may address a variety of issues, including workers' rights.

The work force consists of between 70,000 and 75,000 persons, including expatriate labor and seasonal and part-time workers. About 20 percent of the workforce are employed in fishing. The approximately 27,000 foreigners who work in the country make up almost half of the workers in the formal sector; most are employed in tourist hotels, the retail and wholesale trade, factories, or on construction projects. The Government employs approximately 22,000 persons, both permanent and temporary. It estimates that the manufacturing sector employs about 15 percent of the labor force and tourism another 10 percent.

Although workers can affiliate with international labor federations, this generally has not been the case. However, it is believed some seamen have joined such federations.

In 1995 the U.S. Government suspended Maldives' eligibility for tariff preferences under the U.S. Generalized System of Preferences because the Government failed to take steps to afford internationally recognized worker rights to Maldivian workers.

*b. The Right to Organize and Bargain Collectively.*—The law neither prohibits nor protects workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector. There are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers. The Government has exerted pressure in the past to discourage seamen from joining foreign seamen's unions as a means to secure higher wages. There have been no reported complaints alleging such discrimination or claiming government interference with workers' attempts to join unions in the past 5 years.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is not prohibited by law. However, there were no reports that it occurred. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—There is no compulsory education law, but more than 98 percent of school-age children to grade 7 are enrolled in school. A 1992 law bars children under 14 years of age from "places of waged work and from work that is not suitable for that child's age, health, or physical ability or that might obstruct the education or adversely affect the mentality or behavior of the child." An earlier law prohibits government employment of children under the age of 16. There are no reports of children being employed in the small industrial sector, although children work in family fishing, agricultural, and commercial activities. The hours of work of young workers are not limited specifically by statute. The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). A Unit for Children's Rights in the Ministry of Women's Affairs and Social Welfare is responsible for monitoring compliance with the child labor regulations. It relies upon complaints filed with it rather than initiating its own inspections to ensure compliance. As a result, oversight is incomplete.

*e. Acceptable Conditions of Work.*—In 1994 the Government promulgated its first set of regulations for employer-employee relations. The regulations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, termination, etc. There is no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work. Given the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. In the public sector, a 7-hour day and a 5-day work-week have been established through administrative circulars from the President's office. Overtime pay in the public sector was instituted in 1990. Employees are authorized 20 days of annual leave, 30 days of medical leave, maternity leave of 60 days, and special annual leave of 10 days for extraordinary circumstances. There are no laws governing health and safety conditions. However, there are regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It is unclear whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labour set up a Labour Dispute Settlement Unit in 1998 to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

In 1997 the Government for the first time worked closely with the International Labor Organization to address a number of labor issues. Although two draft labor laws were prepared in 1998: One to address issues such as the right of association, the right to organize, and acceptable work conditions related to health, environment, employer-employee relations, leave, and termination, and the other to deal with social security, pensions, and provident funds, these laws have not been enabled.

*f. Trafficking in Persons.*—The law does not address the problem of trafficking in persons; however, the Attorney General's Office believes that should a case arise it could be addressed under Shari'a. There were no reports that persons were trafficked to, from, within, or through the country.

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## NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the King, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. The King retains important residual powers, but has dissociated himself from direct day-to-day government activities. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Council (upper house). In May 1999, the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. In February 1996, the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to violence in more than 50 of the country's 75 districts. The insurrection has been waged through torture, killings, and bombings involving civilians and public officials. The Constitution provides for an independent judiciary; however, the courts generally are inefficient and susceptible to political pressure and corruption.

The National Police Force maintains internal security and is subject to civilian control, but local officials have wide discretion in maintaining law and order. Police reaction to the "People's War" insurgency led to incidents of unwarranted force against prisoners and noncombatants. The army, which traditionally is loyal to the King, has sought to limit its domestic-security role in responding to the Maoist insurgency. The police committed numerous human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately \$242. Over 80 percent of its 23 million persons support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments are the major sources of foreign exchange. Foreign aid accounts for more than half of the development budget. The economy is mixed, with approximately 50 public sector firms. Many former government firms have been privatized since 1992.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police at times used unwarranted lethal force and continue to abuse detainees, using torture as punishment or to extract confessions. The Government rarely investigates allegations of police brutality or punishes police officers who commit abuses. The disappearance of persons in custody is a problem. Prison conditions remain poor. The authorities use arbitrary arrest and detention. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays before trial remain problems. The Government generally respects freedom of expression; however, at times it imposes some restrictions. The Government generally allows for freedom of assembly; some restrictions occur but are rare. The Government generally respects freedom of religion, although the Constitution imposes restrictions on proselytizing to spread religion. Women, the disabled, and lower castes suffer from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, forced labor, and child labor also remain serious problems. There have been instances of forced child labor in the past, and there was one reported instance during the year.

The Government established a national human rights commission in May. In July the Government outlawed the feudal "Kamaiya" system, releasing some 200,000 bonded laborers and family members from their debts to their landlords.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, and other abuses.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killings.*—The police continued to commit extrajudicial killings. Most extrajudicial killings by police involved the Maoist insurgents, but police at times used unjustifiable lethal force in other situations as well.

On October 27 in Dolakha district, police clashed with a group of 24 Tibetans who had crossed into the country. After the Tibetans began throwing stones, police opened fire, killing one person and injuring five others. Police officers shot and killed six Nepalese citizens during countrywide civil unrest from December 26 to 31. Scores of police and hundreds of civilians were injured during the protests sparked by alleged anti-Nepali remarks from an Indian film star. On December 26 in Kathmandu, police who reportedly were protecting a crowded movie theater were surrounded by a group of persons who were throwing rocks and threatening to burn down the theater. After overhead shots failed to disperse the group, the police fired shots into the crowd, killing two persons. Another death occurred as police attempted to control rioters in Thamel, another area of Kathmandu. On December 27 in Kathmandu, police gunfire against disruptive civilians killed two more persons including an uninvolved adolescent in a neighboring building. On December 31 in Rajbiraj, police shot and killed a 40-year-old male while attempting to control a mob of persons. The Government announced that it would financially compensate the families of those killed and make arrangements for medical treatment for those injured in the December clashes. At year's end, a government commission was investigating the incidents.

On June 18, Ravi Upreti died of injuries reportedly sustained from beatings while in police custody in Jhapa in the eastern part of the country. On July 26, Sudish Rimal died shortly after being taken into police custody in the Sarlahi district. Family members alleged that he was tortured but declined to allow an autopsy, making confirmation of these charges impossible.

Both police and insurgents continued to be killed in the increasingly violent "People's War." Launched in February 1996 by leaders Baburam Bhattarai and Pushpa Kamal Dahal, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. The police have killed nearly 1,000 Maoists since 1996. Some of the deaths are believed to have been extrajudicial killings. On January 14, police opened fire on a Maoist "cultural program" at a school in Achham district, killing nine persons and wounding numerous others (see Section 1.c.). Police later admitted that seven of the persons killed were innocent bystanders. Police killed at least 18 Maoists during a "search operation" in Rukum in February. An ensuing fire destroyed hundreds of homes in the area, though there are conflicting claims as to who started the blaze. On December 9, police fired on a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur, killing one woman and injuring nine others, according to local media reports. Police claim that they fired on the crowd only after persons threw stones at and charged the police. At year's end, the 20 to 30 police officers charged with abuses against the public in connection with police sweeps in 1998 had not been brought to trial.

The Maoists were responsible for numerous abuses, and clashes between Maoist rebels and police led to a number of deaths during the year. On January 3, Maoists killed nine police officers during a 3-hour gun battle in Jumla. Six police officers were killed and five others were injured seriously in a Maoist ambush in Jajarkot on January 22. On February 19, Maoists killed 15 police officers and injured 20 others in an attack on a police post in Rolpa. A constable died instantly on May 25 when he stepped on a landmine planted by Maoists in Tanahu district. Three other police officers were wounded. A total of 25 persons were killed, including 12 police officers, in a June 8 Maoist attack on a police checkpoint in Jajarkot. On June 14, a group of more than 50 rebels attacked the police post at Junbesi. Three police officers died in the ensuing 2-hour firefight, after which the rebels bombed the post and seized weapons stored there. On July 15, a group of some 300 Maoists ambushed a police post in Thokarpa, killing 4 police officers and injuring 9 others. On September 25, Maoist insurgents attacked the district police headquarters of Dolpa, killing at least 14 persons and wounding 40 others (see Section 1.c.). On November 30, Maoists attacked a police post in Kalikot district, killing 11 police officers. Reportedly, some of the police deaths were executions based on a list that the Maoists consulted at the time.

Although their activities are focused on the police, the Maoists continued to kill, injure, and kidnap civilians as well. On February 14, Maoists pulled two men out of a political procession in Rukum and beheaded them in front of hundreds of onlookers. It is believed that the victims were targeted because they were carrying Ne-

pali Congress Party flags. A bomb planted by Maoists behind a police post in Dolpa killed an 11-year-old boy on February 15. Two other persons were injured in the blast. On February 24 in Sindhupalchowk, a group of rebels attacked a local official, tied him to a tree and hacked him to death with khukuri, large machete-like knives. On February 26, in Okhaldhunga in the eastern part of the country, a group of approximately 15 Maoists hacked to death another local official. On May 3, Maoists kidnaped Chitra Bahadur Thapa, a rival political worker, from his home in Bhotechaur. He was found dead 7 days later. On the night of July 13, Maoists severed the hands and legs of a resident of Gulmi. He died immediately. According to local press reports, on November 5, Maoists killed a policeman and injured seven other persons in an attack on a police post at a village in Ramechhap district.

According to mid-November government figures, since 1996, the insurgency has resulted in the deaths of 1,483 persons, including 234 police officers, 258 civilians, and 991 insurgents. These figures indicate that 98 police, 69 civilians, and 128 insurgents were killed through mid-November. The press has reported higher figures, and reports have claimed that more police than Maoists were killed during the year, pointing to a marked increase in the firepower and aggressiveness of the insurgency.

*b. Disappearance.*—The disappearance of persons in police custody is a problem. According to the Informal Sector Service Center (INSEC), a local human rights organization, 10 persons disappeared from police custody during the first 9 months of the year; 218 persons have disappeared since 1996. Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization, who disappeared after an arrest in Kathmandu in September 1999, was released on July 6 without ever having been charged. There are reports that Shrestha was held incommunicado and tortured during his incarceration (see Sections 1.c. and 4). According to Amnesty International (AI), on September 6, police detained opposition politician Ishwari Dahal; at year's end, he remained missing.

In December 1999, Suresh Ale Magar and Pawan Shrestha were released from jail in Kathmandu under a Supreme Court order, but immediately were re-arrested. At the time, police denied having them in custody, but Magar and Shrestha were released again in February (see Section 2.a.). On November 3, authorities released Maoist leaders Dinesh Sharma and Diananath Gautam, whom police had held in custody for more than 11 months. At a police-arranged press conference, Sharma initially said that he had been treated well; however, after his release he disappeared again. A statement later issued in his name alleges that police tortured him during his captivity.

AI reported that on January 8, 1999, lawyer and human rights defender Rajendra Dhakal disappeared after his arrest in Jamdi in Tanahun district. He reportedly was arrested because of his alleged involvement in Maoist violence. Dhakal, along with two teachers arrested at the same time, was taken to the Bel Chantan police post. The teachers later were released. Dhakal remains missing, and police now deny ever having arrested him (see Section 1.e.). On January 21, 1999, police arrested freelance journalist Milan Nepali. Nepali, who was associated with the left-leaning publication "Janadesh", later disappeared from police custody; as of year's end, Nepali's whereabouts were unknown (see Section 2.a.).

According to AI, Maoists abducted as least 30 children in Jajarkot district in July and August.

AI also expressed concern about other individuals currently held captive. According to AI, Dirgha Bahadur Dashoudi and Narayan Sharma, two teachers and members of the Tarun Dal from Dailekh district were abducted in early May, and the Chief Education Officer of Rolpa district, Rajendra Prasad Yadav was taken from a bus on which he was travelling on June 10. Yadav was released on September 16; the others remain missing.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and criminal law prohibit torture; however, the police at times use torture and beatings to punish suspects or to extract confessions. According to AI, torture methods include boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (see Section 1.d.). The Government has failed to conduct thorough and independent investigations of reports of police brutality and has refused to take significant disciplinary action against officers involved. Police often are unwilling to investigate and to discipline fellow officers, and persons are afraid to bring cases against police for fear of reprisals. The Constitution and the Torture Compensation Act, which was passed by Parliament in 1996, provide for compensation for victims of torture. According to the Center for Victims of Torture

(CVICT), 10 persons claimed compensation under the act during the year, all of the cases that were in the courts as of year's end. Another 20 persons made claims during 1999. According to the CVICT, during the year one of the claims made in 1999 resulted in a payment of \$70 (5,000 rupees) to the claimant; none of the cases filed during the year were resolved by year's end. The Government has begun human rights education for the police force. According to an August 1999 government newspaper report, the Government suspended seven police personnel and appointed a high-level commission to probe the death of trucker Ale Tamang following alleged police torture while in police custody (see Section 1.a.).

Bishnu Pukar Shrestha, who disappeared after an arrest in Kathmandu in September 1999, was released on July 6 without ever having been charged (see Sections 1.b. and 4). Shrestha reportedly was tortured early in his incarceration and allegedly was held in solitary confinement throughout most of his stay.

On January 14, police opened fire on a Maoist "cultural program" at a school in Achham district; according to INSEC, police killed nine persons and wounded seven others during the incident (see Section 1.a.). In February police officers allegedly set fire to "Maoist sympathizing" villages in Rukum in retaliation for the killing of 14 police officers in a single Maoist attack (see Section 1.a.).

Human rights groups have reported instances of torture in areas affected by the "People's War." Dozens of male detainees reported having torture inflicted on them by the police; women in these areas have reported instances of rape and sexual abuse by the police. AI, which visited the country in 1998, reported that it found evidence of "the systematic use of severe torture" by the police, and raised concerns over the relative impunity of the police for such actions; however, in contrast to previous years, there only were two reports of torture during the year. AI did not find systematic use of severe torture when it visited the country during the year.

On March 10, in Kathmandu, police charged a group of Tibetans with clubs and sticks, reportedly injuring several persons, including a 12-year-old monk. The Tibetans were chanting anti-Chinese slogans after a ceremony to mark the anniversary of the 1959 anti-Chinese uprising in Tibet. In 1999 in Pokhara police used tear gas and batons to break up a similar demonstration (see Section 2.b.).

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were foreign companies. There also were cases of intimidation, torture, or other degrading treatment. On February 17, Maoists set fire to the home of Rukum resident Bal Bahadur K.C., a district executive member of the CPN-UML party. The house was destroyed completely. On April 23, Maoists assaulted two teachers of a primary school in Rukum, beating them and smearing black paint on their faces. On April 26, 12 Maoists set fire to the Surhket home of NCP regional chairman Yagya Bahadur B.C. On May 6, Maoists kidnaped school headmaster Dharma Chandra Sharma from his home in Jumla. Sharma was released 2 days later after his captors shaved his head and paraded him around his village with shoes tied around his neck. Maoists were responsible for at least 17 violent incidents involving bombings, arson, and looting, on August 23. On September 25, Maoist insurgents attacked the district police headquarters of Dolpa, in the town of Dunai, killing at least 14 persons and wounding 40 others (see Section 1.a.). On October 23, approximately 30 members of the student wing of the Maoists attacked the Padma Kanya School's principle.

Prison conditions are poor. Overcrowding is common in prisons, and authorities sometimes handcuff or fetter detainees. Women normally are incarcerated separately from men, but in similar conditions. The Government still has not implemented a provision in the 1992 Children's Act calling for the establishment of a juvenile home and juvenile court. Consequently children sometimes are incarcerated with adults either with an incarcerated parent, or, as one local NGO reports, as criminal offenders. The Department of Prisons states that there are approximately 10 children in jail or custody for offenses that they have committed and approximately 100 noncriminal dependent children housed along with their parents (see Section 5). In April the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such. Likewise, there is no provision for separate juvenile detention facilities.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place the mentally ill in jails under inhumane conditions.

The Government permits local human rights groups and the International Committee of the Red Cross (ICRC) to visit prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violate this provision. Under the Public Offenses Act of 1970, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the police occasionally hold prisoners longer, though the Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance.

Detainees do have the legal right to receive visits by family members, and they are permitted access to lawyers only after authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison. There is a system of bail, but bonds are too expensive for most citizens. According to the Department of Prisons, about half of the 6,000 persons imprisoned are awaiting trial. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeds the period to which persons subsequently are sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other states, and relations between citizens of different classes or religions. Persons whom the Government detains under the act are considered to be in preventive detention and can be held for up to 6 months without being charged with a crime. Human rights groups allege that the police have used arbitrary arrest and detention during the "People's War" to intimidate communities considered sympathetic to the Maoists (see Section 1.b.). Since the insurgents began their terrorist campaigns, police have arrested 5,866 suspected Maoists. Of those persons arrested, 1,654 had been tried and 4,182 had been released.

The 1991 amendments to the Public Security Act allow the authorities to extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges.

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors express concern that the act vests too much discretionary power in the Chief District Officer (CDO), the highest-ranking civil servant in each of the country's 75 districts. The act authorizes the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have come to light, since it has become more common, particularly with the Maoists, to arrest persons under the Public Security Act. In January local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women's Association (Revolutionary), under the act; Mudbari remained incarcerated at year's end. Human rights commission officials reported several other cases of arrests or detentions under the act, but were unable to provide details of the cases.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.).

The police have arrested or illegally detained some suspected Maoist insurgents and held them incommunicado. There are no other political detainees.

The Constitution prohibits exile; it is not used.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary and the Supreme Court has demonstrated independence; however, lower level courts remain vulnerable to political pressure and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the 1992 Labor Act and in the 1991 Nepal Citizenship Act are unconstitutional. In 1995 the Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the body restored.

Appellate and district courts have become increasingly independent, although sometimes they bend to political pressure as well. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDO's in violating detainees' rights. These groups allege

that arrest without a warrant, prolonged detention without trial, and police torture occurs in these areas.

The judicial system consists of three levels: District courts, appellate courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there is no jury system.

Delays in the administration of justice are a severe problem. According to the latest statistics, approximately 150,000 cases are active throughout the country. The Supreme Court has a backlog of approximately 15,000 cases. At the Court's current rate, it never will clear this backlog.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and for public trials, except in some security and customs cases. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners—if they have served 75 percent of their sentence and shown good behavior—on national holidays.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, government lawyers or access to private attorneys is provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation.

There have been reports of cases in previous years in which authorities allegedly penalized attorneys involved in the defense of human rights. In January 1999, lawyer and human rights defender Rajendra Dhakal was arrested reportedly because of his alleged involvement in Maoist violence. He has not been seen since (see Section 1.b). Kathmandu newspapers reported that in July 1999, four lawyers pleading for a group of three detained journalists were ordered detained themselves by a district judge as they tried to express their views on the judicial order to detain the journalists. After other attorneys came to protest the arrests, the attorneys were released (see Section 2.a.).

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. In 1992 the Supreme Court ruled that military courts could no longer try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 5 years.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, Or Correspondence.*—The Government generally respected the privacy of the home and family. Search warrants are required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. As amended, the Police Act of 1955 empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases.

Government provisions permit discrimination in employment on the basis of political opinion; however, such discrimination is not known to occur.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposes some restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The Act also includes penalties for violating these requirements. In addition the Act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. However, throughout August and September, the press and several private FM radio stations produced a number of stories calling for the prosecution of a nephew

of the monarch who allegedly killed a popular local singer in a hit-and-run incident. This is the first time the local media has confronted a member of the royal family. The Press and Publications Act also provides a basis for banning foreign publications. However, foreign publications are widely available.

There are hundreds of independent vernacular and Englishlanguage newspapers available, representing various political points of view. The Government owns "Gorkhapatra," the second-largest circulating Nepali daily, and "The Rising Nepal," the second-largest English daily. Editors and writers at the government newspapers practice self-censorship and generally reflect government policy. Ruling political parties have influenced the editorial policy of the government newspapers to their advantage. However, despite the sensitivity of the Government to the "People's War," the press has not faced overt pressure to report on it in a particular way. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders all have been reported in the local press.

Nevertheless, journalists and their advocates have suffered human rights abuses. Shambhu Prasad Patel, vice president of the Rautahat Branch of the Nepal Press Union (NPU), was shot and killed by two unidentified gunmen on January 23 at his residence; as of year's end, no one had been held accountable. On February 13, police arrested and briefly detained Dev Kumar Yadav, a Maoist-leaning newspaper reporter for Janadesh and council member of the Federation of Nepalese Journalists, Siraha (FNJS), and Nagendra Kumar Paswan, a reporter for Mahima and vice chairman of the FNJS. No charges were filed. The 1999 case against Krishna Sen, the editor of Janadesh who was arrested in connection with the publication of an interview with a Maoist leader, continued during the year. On February 18, Sen was charged under the Illegal Weapons Act and subsequently was sent to Rajbiraj jail in Saptari. Also in February police released Suresh Ale Magar, another columnist with Janadesh who had been held without a detention order (see Section 1.b.). On March 12, Jagdish Bhattarai, editor of the local weekly Nava Chetana and correspondent for Kantipur Daily in Palpa, was sentenced to 7 days in jail and fined approximately \$7.20 (500 rupees) for contempt of court. Bhattarai was accused of writing a 1998 editorial that denounced corruption and threatened to publish names of corrupt government officials. On May 8, the publication Gorkhapatra suspended associate editor Ram Prasad Acharya for publishing a Maoist press release. Freelance journalist Milan Nepali remains missing (see Section 1.b). In contrast to prior years, there were no reported incidents of seizure of either publications or equipment.

In February the censor board of the Ministry of Information and Communications banned public screening of the film "Aago" (Fire), claiming that the film undermined public safety. The film contained references to the Maoist insurgency. In July the board allowed the film to be shown after the references had been deleted.

The Broadcast Act of 1993 allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owns the only television station, and controls one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there was a marked increase in the range of programming options available. However, only government-owned Radio Nepal may originate its own local news broadcasts, and all stations must rebroadcast its news programs. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian and Pakistani broadcast television also is readily available in many parts of the country.

Since 1996 two private cable television networks have been operating in the Kathmandu valley. They mainly provide entertainment programming, but commentary critical of government policies occasionally occurs during publicly broadcast discussion programs. Throughout the country, local entrepreneurs also are receiving international stations via satellite for viewing in local bars, and are reselling the signal to local residents. Television time on the government-owned television station also is leased to private producers.

There are four private radio stations and three community-owned radio stations that have their own transmitters, an increase of two and one, respectively, over 1999. During the year, a private company acquired a license to establish a 1,000-watt FM transmitter in the eastern part of the country, which will cover much of the eastern region and portions of India. Five private radio stations so far have been licensed to operate outside of the capital city, although none have begun their broadcasts. Although nongovernment radio stations are precluded legally from broadcasting locally developed news, private stations select which newspaper stories to read, permitting editorial perspective. Private stations also must broadcast the Gov-

ernment station's news program but are permitted to rebroadcast news from abroad. Private radio stations, like print media, practice self-censorship. In August 1999, one private radio station reported that a government official asked the station to stop a live call-in advice show dealing with the topics of HIV/AIDS and teenage problems. Other talk shows on sensitive topics continued without government comment.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

No government efforts to curtail academic freedom were reported during the year.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, although it may be restricted by law on vague grounds such as undermining the sovereignty and integrity of the State or disturbing law and order. These restrictions rarely were used during the year. Large public demonstrations are common, and police intervention is rare except in cases where crowds become violent or violate the terms of their parade permit. On March 10, the Tibetan community in Kathmandu held its annual ceremony to commemorate the anniversary of the 1959 anti-Chinese uprising in Tibet. Following the conclusion of the official ceremony, a large group of young persons left the event location and went onto a public street chanting anti-Chinese slogans. After attempting to restore order, police charged the crowd, reportedly injuring several persons in the process (see Section 1.c.). In March 1999, police arrested 27 Tibetan demonstrators commemorating the same event in Pokhara; the police used tear gas and batons to break up the demonstration. All of the protesters were released soon after the incident.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion and permits the practice of all religions; however, although the Government generally has not interfered with the practice of religions, conversion and proselytizing are prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complain of police harassment. Some Christian groups are concerned that the ban on proselytizing limits the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

The large majority of citizens are Hindu. There are smaller numbers of Buddhist, Muslim, and Christian citizens, as well.

April public observances of Easter in a Kathmandu park and a Passover Seder in a major hotel in Kathmandu were uneventful. However, in 1999, Christian groups in Kathmandu were prevented from observing Good Friday in a public park when they failed to obtain the proper permit; 3 members of a group of 400 persons reportedly were injured when police attempted to disperse the group's subsequent protest at a local government office. Easter services that year, which did have the proper permit, took place in a public park without incident.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Although arrests or detentions for proselytizing are rare, there have been few incidents of punishment or investigation in connection with conversion or proselytization during the last few years. However, the Government on occasion investigates reports of proselytizing. It investigated a 1997 accusation against the Adventist Development and Relief Agency (ADRA), and cleared ADRA in 1997. Nongovernmental groups or individuals are free to file charges of proselytizing against individuals or organizations. Such a case was filed with the Supreme Court against ADRA and the United Missions to Nepal, an umbrella Protestant group, on December 31, 1999. The case still was pending at year's end.

For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have operated freely. Missionary schools are among the most respected institutions of secondary education in the country; most of the country's governing and business elite graduated from Jesuit high schools. Many foreign Christian organizations have direct ties to Nepali churches and sponsor Nepali priests for religious training abroad.

The Constitution prohibits discrimination on the basis of caste, except for traditional religious practices at Hindu temples, where, for example, members of the lowest caste are not permitted.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement and residence, and

the Government generally does not restrict travel abroad. However, for security reasons, the Government restricts travel by foreigners, including Tibetan residents in Nepal, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who are traveling to the Gulf states for other reasons, nor do they apply for travel to other areas. Women's rights groups have protested the ban as discriminatory. The Government allows citizens abroad to return, and is not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR), and with other humanitarian organizations, in assisting refugees from Bhutan and Tibet (China). The UNHCR has maintained an office in Kathmandu since 1989. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to some 97,000 Bhutanese refugees, the great majority of whom are living in UNHCR administered camps in the eastern part of the country.

China and the Government of Nepal tightened control of movement across their border in 1986, but both sides have enforced these restrictions haphazardly. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved in the last 2 years, although border police sometimes extort money from Tibetans in exchange for passage. There were no reports of forced expulsion of Tibetan asylum seekers during the year.

There are approximately 98,000 ethnic Nepali refugees from Bhutan in UNHCR-administered camps in the southeastern region of the country. An additional 15,000 refugees reside outside the camps in either Nepal or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population.

The UNHCR monitors the condition of the Bhutanese refugees and provides for their basic needs. The Government accepts the refugee presence as temporary, on humanitarian grounds, but offers little more than a place to stay. The Government officially restricts refugee freedom of movement and work, but does not strictly enforce its policies. Visitors to the camps universally describe conditions as excellent. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through a refugee-affected areas assistance plan aimed at improving conditions in communities adjacent to the camps.

In 1993 the Governments of Nepal and Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. No significant breakthroughs were made for several years. However, during the tenth round of bilateral talks December 24-27, Nepal and Bhutan agreed to prepare for verification at the camps in January 2001. Earlier lack of progress in the talks had left refugees frustrated, and both government leaders and international organization officials were concerned that the frustration could lead to unrest. Refugees continued to hold "peace marches" to protest their plight.

### *Section 3. Respect for Political Rights: The Right Of Citizens To Change Their Government*

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the exception of certain basic principles that they may not change—sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

Nepal is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. Under the Constitution all citizens aged 18 and over may vote.

The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Council, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration.

The King exercises certain powers with the advice and consent of the Council of Ministers. These include exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution also permits the King to exercise emergency powers in

the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King may suspend without judicial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. During the most recent national elections in May 1999, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the elections by intimidating voters and candidates had little effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally free and fair.

Women are underrepresented in government and politics. There are no specific laws that restrict women, indigenous peoples, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute 5 percent of each party's candidates for the House of Representatives. A 1999 royal ordinance, which Parliament has ratified, also requires that 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have wielded more power than others, but members of other religious and social groups have in recent years gained increasing influence in government, including senior leadership positions. There are no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are approximately 10 human rights NGO's. These include the Human Rights Organization of Nepal (HURON), the Informal Sector Services Center (INSEC), the International Institute for Human Rights, Environment, and Development (INHURED), and the Forum for the Protection of Human Rights (FOPHUR). The Nepal Law Society also monitors human rights abuses and a number of NGO's focus on specific areas such as torture, child labor, women's rights, or ethnic minorities. Groups are free to publish reports on human rights abuses. The Government also has allowed groups to visit prisons and prisoners. The Government rarely arrests or detains persons reporting on human rights problems, but in June 1998, the police arrested Gopal Siwakoti Chintan, a human rights activist, for alleged collaboration with Maoist rebels. The police also confiscated audiotapes and videotapes of interviews with victims of human rights violations from Chintan's office. The police later released Chintan due to insufficient evidence that he had collaborated with the Maoists. There were reports that the Government and Maoists limited the activities of human rights activists.

On July 6, police officers released Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization; Shrestha never was charged (see Sections 1.b. and 1.c.).

The insurgency has caused a number of NGO's in the midwestern districts to reduce their activities substantially. Agricultural development projects and community health offices have been frequent targets. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In May the Government formed the Human Rights Commission (HRC), a government-appointed commission with a mandate to investigate human rights violations. Since then the commission has received nearly 400 complaints of human rights violations. Although some cases involve disappearance of detainees, illegal detention, and arrest of acquitted persons, many other cases are relatively trivial. The HRC notes that none of its cases have moved forward. Many do not merit prosecution; for those that do, the HRC lacks the legal resources to pursue them in the courts.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some

areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution specifies that the State shall not discriminate against citizens on grounds of religion, race, sex, caste, or ideology. However, there still is a caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

*Women.*—Violence against women is a serious problem, but it receives limited public attention. In a 1996 study, 50 percent of the respondents said that they know someone who was the victim of domestic violence. In another 1996 survey, respondents listed the perpetrators of violence in 77 percent of incidents as family members, and 58 percent reported that it is a daily occurrence. There currently is no law against domestic violence.

Rape and incest also are problems, particularly in rural areas. Laws against rape provide for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. The law does not forbid spousal rape.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on dowry payments is rare, but does occur. More common is the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

There is a general unwillingness among citizens, and particularly among government figures, to recognize violence against women as a problem. In a survey conducted by Saathi, a local NGO, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls as unacceptable in daily life is seen not just in the medical profession, but among the police and politicians as well.

The police department has a "women's cell" in five cities, including Kathmandu. These cells include female officers who receive special training in handling victims of domestic violence. The police also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive is difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution seldom is pursued by the victim or by the Government.

At least six NGO's in Kathmandu work on the problem of violence against women and on women's issues in general. Saathi's assistance program includes a women's shelter and a suicide intervention center. The shelter provides housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remains a serious social problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (see Sections 6.c. and 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government has not taken significant action to implement its provisions, even in many of its own industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names.

Women have benefited from some changes in marriage and inheritance laws. In 1994 the Supreme Court struck down provisions of the Citizenship Law that discriminated against foreign spouses of Nepalese women. However, many other discriminatory laws still remain. According to legal experts, there are over 20 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property. In 1995 the Supreme Court also ordered the Council of Ministers to enact legislation within 1 year giving women property rights in regard to inheritance and land tenancy that were equal to those of men. Although legislation to comply with this order has been introduced, it remains stalled in Parliament.

According to the 1991 census, the female literacy rate is 26 percent, compared with 57 percent for men. Human rights groups report that girls attend secondary schools at a rate half that of boys. There are many NGO's focused on integrating women into society and the economy. These NGO's work in the areas of literacy,

small business, skills transfer, and prevention of trafficking in women and girls. There also are a growing number of women's advocacy groups.

Most political parties have women's groups. Members of Parliament have begun working for the passage of tougher laws for crimes of sexual assault, but have had little success so far.

*Children.*—Education is not compulsory. Government policy is to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education is sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Free health care is provided through government clinics, but they are poorly equipped and too few in number to meet the demand. Community-based health programs assist in the prevention of childhood diseases and provide primary health care services. Due to poor or nonexistent sanitation in rural areas, many children are at risk from severe and fatal illnesses.

Forced prostitution and trafficking in young girls remain serious problems (see Sections 6.c. and 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, child brides are common. According to UNICEF's Regional Office for South Asia, 40 percent of all marriages involve a girl under 14 years of age. The age difference in marriage often is cited as one cause of domestic violence.

A local NGO reports that approximately 100 children considered delinquents or accused of public offenses are incarcerated with adults because the Government has not established juvenile homes. Some of these delinquent children allegedly are as young as 9 years old, even though, under the law, children under 18 cannot be charged with crimes; the Government reports that about 10 persons under the age of 18 are incarcerated for crimes they have committed. The UNHCR believes that police sometimes have falsified the ages of young detainees in order to avoid challenge on this point. However, according to the press, almost 100 children are in jails as noncriminal dependents of incarcerated adults (see Section 1.c.).

*People with Disabilities.*—The disabled face widespread discrimination. Families often are stigmatized by and ashamed of disabled family members, who may be hidden away or neglected. Economic integration is further hampered by the general view that the disabled are unproductive. The mentally retarded are associated with the mentally ill. Sometimes, mentally ill and retarded persons are placed in prisons due to the lack of facilities or support.

The Government has long been involved in providing for the disabled, but the level of government assistance has not met the needs of the disabled. The 1982 Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, to transportation, to employment, to education, and to other state services. However, despite government funding for special education programs, the Government does not implement or enforce laws regarding the disabled. A number of NGO's working with the disabled receive significant funding from the Government, but persons who are physically or mentally disabled rely almost exclusively on family members to assist them.

*Religious Minorities.*—The adherents of the country's many religions generally coexist peacefully and respect all places of worship. Most Hindus respect the many Buddhist shrines located throughout the country; Buddhists accord Hindu shrines the same respect. Buddha's birthplace is an important pilgrimage site, and Buddha's birthday is a national holiday. The country's Muslim minority is not well integrated with the Hindu and Buddhist communities.

Some Christian groups report that Hindu extremism has increased in recent years. In January 1999, the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections. Government policy does not support Hindu extremism, although some political figures have made public statements critical of Christian missionary activities. Some citizens are wary of proselytizing and conversion by Christians and, therefore, view the growth of Christianity with alarm.

Those who choose to convert to other religions—in particular Hindu citizens who convert to Islam or Christianity—sometimes are ostracized socially. Some reportedly have been forced to leave their villages. While this prejudice is not systematic, it can be vehement and occasionally violent. Hindus who convert to another religion may face isolated incidents of hostility or discrimination from Hindu extremist

groups. Nevertheless, converts generally do not fear to admit in public their new religious affiliations.

The caste system strongly influences society, even though it is prohibited by the Constitution. However, the Government allows caste discrimination at Hindu temples where, for example, members of the lowest caste are not permitted to enter. Otherwise, the Government makes an effort to protect the rights of the disadvantaged castes. In 1998 the Government formed the "Committee for the Upliftment of Depressed Communities," which runs income generation, public education, and scholarship programs for the disadvantaged castes.

*National/Racial/Ethnic Minorities.*—The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community "shall have the right to preserve and promote its language, script, and culture." The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

Discrimination against lower castes especially is common in the rural areas in the western part of the country. Although the Government has outlawed the public shunning of "untouchables," an exception was retained for traditional practices at Hindu religious sites. Economic, social, and educational advancement tend to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, slowly are reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu valley) continue to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories.

In remote areas, school lessons and national radio broadcasts often are conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels is conducted almost exclusively in Nepali, which is constitutionally mandated as the official language of the State. Human rights groups report that the languages of the small Kusunda, Dura, and Meche communities nearly are extinct.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the freedom to establish and to join unions and associations. It permits restriction of unions only in cases of subversion, sedition, or similar conditions. Despite the political transformation in 1990, trade unions still are developing their administrative structures to organize workers, to bargain collectively, and to conduct worker education programs.

Union participation in the formal sector accounts for approximately 10 to 12 percent of the formal work force. In 1992 Parliament passed the Labor Act and the Trade Union Act, and formulated enabling regulations. However, the Government has not yet fully implemented the laws. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There have been few reports of discrimination against union members.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affects the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal. Workers at a jute mill in Biratnagar struck from June 29 to July 4 to demand tenure, medical benefits, and annual leave. Workers returned to their jobs after management acceded to most of their demands. In August thousands of employees of various government-owned corporations went on strike to protest perceived inequities in their pay scales. The employees later returned to work voluntarily after the Government appointed a committee tasked with reaching an agreement on the issue. Several days later, the Government issued notices in local media stating that in the future, it would enforce the Essential Services Act of 1957 which prohibits strikes by employees of government-owned enterprises.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

*b. The Right to Organize and Bargain Collectively.*—The Labor Act provides for collective bargaining, although the organizational structures to implement the Act's provisions have not been established. Collective bargaining agreements cover an es-

timated 20 percent of wage earners in the organized sector. However, labor remains widely unable to use collective bargaining effectively due to inexperience and employer reluctance to bargain.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits slavery, serfdom, forced labor, or trafficking in human beings in any form; however, forced labor and trafficking in persons remain problems (see Section 6.f.). The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Large numbers of women still are forced to work against their will as prostitutes (see Section 6.f.). Bonded labor, especially in agricultural work, was a perennial problem. Bonded laborers usually were members of lower castes. Bonded labor reportedly occurred among certain ethnic groups in the western Terai region. However, the Government in July outlawed bonded labor and released the “Kamaiya” bonded agricultural workers, from their debts. By year’s end, the Government had not yet provided land to the Kamaiyas for resettlement nor had it begun programs to prepare the Kamaiyas for economic independence; however, it had announced plans to do so. The Government has set up temporary camps for the Kamaiyas and begun arrangements for distribution of food under a food-for-work program.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour work-week. The law also mandates acceptable working conditions for children. The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandates acceptable working conditions for children.

On July 21, the country passed its first comprehensive child labor law. The law, drafted with the assistance of the International Labor Organization (ILO), tightened earlier laws. It is the first national legislation to establish specific penalties for those who unlawfully employ children. It repeats the existing prohibition of the employment of children under the age of 14 years and renews the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibits child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14- to 16-year-old laborers.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. According to a 1996 ILO study, up to 40 percent of all children work, mostly in agriculture. Others work in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries. NGO’s estimate that 2.6 million children are economically active, 1.7 million of which work fulltime. According to a 1996 ILO study, most working children in the country are girls. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. There also are reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor’s enforcement record is improving. In February police rescued five children from a garment factory in Kathmandu. The children claimed that they were forced to work more than 12 hours a day and that some were abused sexually. According to a February 1999 press report, police found 14 boys aged 15 to 17 years who were employed forcibly in a wool factory in Jorpati. The Government introduced a number of programs beginning in 1998 that are designed to reduce child labor. For example, the Ministry of Labor has set up three centers for children of carpet weavers, who might otherwise join their parents at the loom. The centers provide day care or education for the children, depending upon their ages. The Government also conducts public awareness programs to raise public sensitivity to the problem of child labor.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. Since 1996, the Rugmark Foundation has certified carpets made without child labor. Over half of all carpet factories now participate in this or a similar certification system. Partially as a result of this initiative, and of consumer pressure, children reportedly now constitute only 5 percent of the work force in the export-oriented carpet industry, and the carpet manufacturers association in August 1999 pledged publicly to end child labor in the industry by 2005. However, children’s rights activists still say that, in the smaller factories, children remain a part of the work force. Rugmark, in its self-policing function, reports that it found 20 children working in carpet factories in Kathmandu in April and May.

Trafficking in girls continues to be a serious problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—In April the Government passed legislation that raised the minimum monthly wage for unskilled labor to \$20 (1,450 rupees). The law also defined monthly minimum wages for semi-skilled labor at about \$21 (1,500 rupees), skilled labor at \$22 (1,610 rupees), and highly skilled labor at \$25 (1,800 rupees). The minimum wage for children ages 14 to 16 was set at \$16 (1,144 rupees). Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour work-week, with 1 day off per week, and limits overtime to 20 hours per week. Health and safety standards and other benefits such as a provident fund and maternity benefits also are established in the Act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

*f. Trafficking in Persons.*—The law prohibits trafficking and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remains a serious social problem in several of the country's poorest areas. Young women are by far the most common targets; trafficking of men and boys is not known to occur. While the vast majority of trafficking is of women and girls for the commercial sex industry, women and girls sometimes are trafficked for domestic service, manual or semi-skilled labor, or other purposes. Nepal is a primary sending country for the South Asia region; most women and girls trafficked from the country go to India. Local NGO's working against trafficking estimate that 5,000 to 7,000 Nepali girls between the ages of 10 and 18 are lured or abducted annually into India and subsequently forced into prostitution. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return to the country annually after having worked as prostitutes in India. Most are destitute and, according to some estimates, 65 percent are HIV-positive when they return. There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf (see Section 2.d.); women's rights groups have protested the ban as discriminatory.

Prostitution also is a problem in the Kathmandu valley. A children's human rights group states that 20 percent of prostitutes in the country are younger than 16 years old.

Since 1996 active special police units have dealt with crimes against women and children.

Despite recent attempts to increase the imposition of penalties on traffickers, enforcement of antitrafficking statutes remains sporadic. The fear of the spread of AIDS by returning prostitutes has discouraged the Government from promoting efforts to rehabilitate prostitutes. Government efforts focus more on preventing prostitution and trafficking in women. The Ministry of Labor and Social Welfare sponsors job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Self-Reliance and Rehabilitation Center (WOREC), a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. With the Government's endorsement, many NGO's have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education.

There are over 15 NGO's working against trafficking, several of which have rehabilitation and skills training programs for trafficking victims. WOREC and other organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities. According to press reports, on August 18, 1999, five convicted traffickers who had been given 20-year sentences but were released within 3 years attacked a 17-year-old living at a WOREC facility. The director of another prominent anti-trafficking group reported in July that traffickers regularly make threats against her organization.

In October NGO's, the U.N. Development Fund for Women (UNIFEM), and the Home Ministry together hosted a regional workshop with senior police officers to enhance cross border antitrafficking collaboration. NGO's and law enforcement officials discussed ways of improving bilateral and regional cooperation on investigating and prosecuting traffickers and ensuring better protection of victims.

In June 1999, the police hosted a workshop in Kathmandu to provide recommendations for new legislation regarding trafficking and the sexual exploitation of children. A followup workshop was held in July 1999. To date no new legislation

has been passed on the subject. There are many social and legal obstacles to successful prosecution, and convictions are rare.

## PAKISTAN

On October 12, 1999, the elected civilian Government of former Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. In consultation with senior military commanders, General Musharraf designated himself Chief Executive, and suspended the Constitution, the Parliament, and the provincial assemblies. The office of the President, which is mainly ceremonial, was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, and a civilian cabinet. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was "monitored" by military commanders. In May the Supreme Court ruled that the Musharraf Government was constitutional and imposed a 3-year deadline—starting from October 12, 1999—to complete a transition to democratic, civilian rule. On December 31, local elections were held in 18 districts on a non-party basis; however the Government has not set a timetable for national elections. Corruption and inefficiency remained acute in all branches of government. The suspended Constitution provided for an independent judiciary; however, the judiciary was subject to executive branch and other outside influences, and suffers from inadequate resources, inefficiency, and corruption. The Supreme Court demonstrated a limited degree of independence; however, the overall credibility of the judiciary remained low, and General Musharraf took steps to control the judiciary and to remove his regime from judicial oversight.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, like Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. In August the Government announced a devolution plan that included some increase in local political control of the police; however, the Government had not implemented this plan by year's end. During some religious holidays, the regular army is deployed in sensitive areas to help maintain public order. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings, reportedly as part of the Musharraf regime's anticorruption accountability campaign. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth. Education, especially for females is poor and only 33 percent of the population are judged literate by a very low standard. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy includes both state-run and private industries and financial institutions. The suspended Constitution provided for the right of private businesses to operate freely in most sectors of the economy and there continued to be a strong private sector. The per capita annual income is \$490 (PRs 29,400).

The Government's human rights record was poor, and the Government committed numerous serious abuses; however, there were improvements in some areas, particularly with respect to freedom of the press. Citizens continued to be denied the right to choose or change their government peacefully. Police committed numerous extrajudicial killings; however, there were fewer such killings than in 1999. In Karachi there were fewer killings between rival political factions during the year; however, many of these killings reportedly were committed by or with the participation of the security forces. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. The Government used arbitrary and sometimes incommunicado detention against leaders of the Sharif Government and their families; several major political leaders remained in jail or in self-imposed exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside influences, and corruption, inefficiency, and lack of resources remained problems. The Government took steps to control the judiciary and to remove itself from judicial oversight. On January 25, General Musharraf ordered all Supreme Court, Shariat court, and provincial High Court justices to swear to uphold the post-coup

Provisional Constitutional Order (PCO), which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive “or any person exercising powers or jurisdiction under his authority.” Six Supreme Court justices, including the Chief Justice, and nine other provincial court justices resigned in protest. The Government’s anticorruption campaign violated due process. In October 1998, the National Assembly (NA) voted for a 15th constitutional amendment, which would have required the Government to enforce Shari’a (Islamic law) throughout the country. However, General Musharraf abandoned his predecessor’s attempt to enact the amendment. In April the Sindh Court found Nawaz Sharif guilty of treason and other charges; however, the court imposed a life sentence instead of the death penalty sought by the Musharraf Government. The court acquitted Sharif’s six codefendants. In October the Sindh High Court upheld Nawaz Sharif’s conviction. However, on December 9, the Government commuted former Prime Minister Nawaz Sharif’s prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Government infringed on citizens’ privacy rights. The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. There was not a systematic harassment campaign against newspapers or commentators critical of the Government during the year; however, the broadcast media remain a closely controlled government monopoly. The Government restricted freedom of assembly. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, reportedly for security reasons. In March the Government instituted a country-wide ban on strikes, processions, and outdoor political demonstrations. The Government maintained some limits on freedom of association. The Government imposed some limits on freedom of religion, particularly for Ahmadis. The Government also imposed limits on freedom of movement. General Musharraf spoke out against some of the human rights abuses of the previous regime and held a conference on human rights in April; however, the Government made minimal progress toward achieving the goals set at the conference.

Significant numbers of women were subjected to violence, abuse, rape, and other forms of degradation by spouses and members of society. The Government publicly criticized the practice of “honor killings” but failed to take corrective steps, and such killings continued throughout the country. There was considerable discrimination against women, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, and prostitution, remained serious problems. Female children still lag far behind boys in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Ahmadis and Christians remains a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. The Government and employers continued to restrict worker rights significantly. Debt slavery persists, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread, although it generally is recognized as a serious problem, and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors. Trafficking in women and children for the purpose of forced prostitution was a serious problem. Mob violence and terrorist attacks remained problems; however, the number of incidents declined slightly during the year.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Police committed extrajudicial killings. The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or of staged encounters in which police shoot and kill the suspects, is common. Police officials generally insist that these deaths occur during attempts to escape or to resist arrest; family members and the press insist that many of these deaths are staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on then Prime Minister Sharif’s life in January 1999, as many as 40 Sunni Muslims associated with the Lashkar-i-Jhangvi, the putative instigator, may have been killed in police encounters. The Human Rights Commission of Pakistan (HRCP) reported that there were fewer reports of extrajudicial killings during the year than there were in the previous year. In September a journalist reported that 19 persons died in police encounters or as victims of torture in the first 9 months of the year. Amnesty International (AI) estimates that at least 100 persons

die from police torture each year (see Section 1.c.). The HRCP estimated that 23 persons were killed in police custody or police encounters during the year. Police officials insist that these deaths occurred during attempts to escape or resist arrest. For example, in October police killed a suspect who reportedly attempted to resist arrest; there were no investigations of the incident during the year. In addition to killing suspects to prevent them from implicating the police in court, police reportedly killed suspected criminals to circumvent or overcome insufficient evidence, witness intimidation, judicial corruption, and sometimes political pressure. Police professionalism is low. The police view the killings of criminal suspects as appropriate given the lack of effective action by the judiciary against criminals. The judiciary on the other hand, faults the police for presenting weak cases that do not stand up in court.

According to a press report, Shaheen Akhtar, a 15-year-old rape victim charged with adultery was kept fettered in a hospital despite being diagnosed with advanced tuberculosis; Akhtar died in May (see Section 1.c.).

Police officers occasionally are transferred or briefly suspended for involvement in extrajudicial killings. However, court-ordered inquiries into these killings have resulted in few trials and no convictions. In February two police inspectors who were charged with killing a member of the Muttahida Quami Movement (MQM) in custody were denied bail after the Sindh High Court determined that they had falsified precinct records and appeared to have committed the crime. Punjabi police killed Tahir Prince in February 1999; after his mother filed a writ, the Lahore High Court ordered a case registered against two police officers, one of whom was dismissed mid-year on charges of corruption. Tahir Prince's family then accepted financial compensation and dropped the case against the two officers. In general police continued to commit such killings with impunity.

The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups. A committee of inquiry was established to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in the custody of the Peshawar police in July 1999. However, despite requests from human rights activists, the committee did not publish its findings, and the officer who allegedly was involved in the killing retained his position.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past demonstrated a willingness to use violence to further its aims, claimed that the police specifically targeted its adherents for extrajudicial killings. Altaf Hussain established the MQM in 1984 to promote the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. Elements of the group became involved in extortion and other forms of racketeering, and the party split into the

MQM-Altaf—the original group headed by Altaf Hussain, a large breakaway group (MQM-Haqiqi), and a few smaller factions. The MQM-Altaf, in part because of its efficient organization and willingness to use violence, became the dominant political party in Karachi and Hyderabad, and sent several moderate and nonviolent leaders to the now suspended Parliament and the Sindh provincial assembly. Because of its past links, the MQM-Altaf has antagonized followers, suffered violent breakaways, and continually been at odds with successive governments. In a 1999 report, the MQM listed 10 persons, mostly MQM activists, that it alleged were killed extrajudicially by Karachi police between October 1998 and March 1999. Since the coup, reports of extrajudicial killings of MQM activists have dropped sharply. However, on September 13, two MQM activists were killed, probably by government forces.

Politically motivated and sectarian violence continued. After the coup, there was relative quiet until the traditionally tense Shi'a holiday of Muharram in April, when a number of violent incidents occurred between rival Sunni and Shi'a groups. One newspaper reported that an estimated 300 persons had died in sectarian attacks between late 1997 and 1999 (see Sections 2.c. and 5). Shi'a activists reported in April that approximately 40 Shi'as have been killed since the coup. According to government figures, 915 persons, 64 percent of them Shi'as, have died as a result of sectarian violence since 1994. On April 7, unknown gunmen in Karachi killed a Shi'a lawyer and the Secretary General of Tehrek-i-Jafaria Pakistan (TJP), his son, and his driver; the assailants may have been members of the extremist Sipah-e-Sahaba Pakistan (SSP—see Section 5). On April 12, in the worst incident of sectarian violence since the coup, unknown assailants attacked a Shi'a religious congregation in Rawalpindi with grenades and bullets, killing 19 persons and injuring 37 others. Police arrested several Sunni Muslims following the attack. In April an unknown gunman killed 15 Shi'a Muslims in the village of Mallow Wali. On May 11, unknown

assailants killed a leader of the SSP, which marked the first killing of a known Sunni leader since 1998 (see Sections 1.d. and 5).

Women were killed by family members in so-called "honor killings." In March women's rights activists told a local newspaper that the frequency of honor killings is on the rise. For example, on June 1, a man from Yar Hussain in the northwest frontier province (NWFP) allegedly killed his 20-year-old daughter, Mumlikat Bibi, while she was sleeping. The father reportedly opposed his daughter's efforts to choose a spouse without parental consent (see Sections 1.f. and 5).

There were at least two high profile killings during the year. In January unknown assailants killed the chief justice designate of the Baluchistan High Court; it is likely that Marri was killed as a result of a personal vendetta. On March 10, unknown assailants killed Iqbal Raad, one of the defense lawyers for former Prime Minister Sharif. However, many observers believe that Raad's involvement in the Sharif trial was not a factor in his death.

There were numerous bomb attacks during the year. On January 17, a bomb in Karachi killed 12 persons and injured 22 persons. On January 28, two separate explosions killed 6 persons and injured 40 persons. On February 5, a bomb exploded killing 7 persons and injuring 60 others. No one claimed responsibility for these attacks. In March during a high profile visit to the country by a foreign head of state, five explosions occurred in Hyderabad, Quetta, and Karachi; two persons were killed and four persons were injured in these explosions. On March 28, an explosion in Torkham along the Pakistan-Afghanistan border killed at least 7 persons and injured 27 others. In May a spate of bombings targeting Karachi police stations killed one person. On July 7, two explosions in the Punjab killed 3 persons and injured 11 others. On July 16, a bomb exploded on a train to Hyderabad, killing 10 persons and injuring 32 others. On September 3, a bomb exploded in Lahore's central bus station, killing 2 and injuring 12 others. On September 7, 7 persons were killed and 35 injured in an explosion at the Dharampura Bazaar in Lahore. In late September, a large explosion at an Islamabad market killed at least 16 persons and injured 100 others. A local magazine reported that between January and October, there were more than 17 bomb explosions that killed dozens of persons in Quetta. No one claimed responsibility for these attacks (see Section 1.c.).

Local newspapers reported that more than ten politically prominent Afghans were killed during the year (see Section 2.d.). For example, in April unknown assailants killed Arif Khan, the Taliban governor of Konduz province. Afghans attributed some of these killings to personal rather than political disputes. Police personnel did not arrest anyone in connection with these killings.

There were reports that four prisoners died in a riot in a Peshawar jail in October; however, prison authorities denied these reports (see Section 1.c.).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. A senior army official in Pakistan-controlled Kashmir estimated that approximately 143 civilians were killed on the Pakistani side of the line of control.

*b. Disappearance.*—There were credible reports of politically motivated disappearances. For example, retired Major General Anwar Sher and an Afghan aide, Abdul Qaher Shariati, disappeared in July; they were active in organizing Afghans to pursue a peace process. There has been no police investigation into the disappearances. In the intra-Mohajir violence in Karachi, victims sometimes first are held and tortured by opposing groups (or, as the MQM-Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted; however, the incidence of such crimes decreased greatly during the year.

In July a woman in Baluchistan was abducted by members of her tribe after a tribal jirga (council) forced the woman to annul her marriage (see Section 5).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The suspended Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer such reports and greater police cooperation in investigating such reports during the year. Human rights observers suggest that, because of widespread torture by the police, suspects usually confess to crimes regardless of their actual culpability; the courts subsequently throw out many such confessions. AI estimates that at least 100 persons die from police torture each year (see Section 1.a.). According to a 1999 Human Rights Watch report, children in detention also are subjected to torture and mistreatment (see Section 5).

Common torture methods include: beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and

public humiliation. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Police personnel continued to torture persons in custody throughout the country. In June a local newspaper reported that prisoners waiting to appear in court routinely are held in fetters in police vans, even on extremely hot days. In 1999 70 prisoners awaiting or undergoing trial at Karachi prison, all MQM members, charged that they had been arrested illegally and tortured to induce confessions. According to MQM officials, police arrested over 700 MQM members during the past 2 years (see Section 1.d.); many of these persons reportedly were tortured in custody. In November 1999, Rana Sanaullah Khan, a PML member of the suspended Punjab provincial assembly, was arrested for criticizing the Musharraf Government; he reportedly was tortured in custody.

In March a judge sentenced two prisoners convicted of murdering almost 100 children to be executed by having their bodies cut into 100 and 98 pieces, respectively, and then having the pieces dissolved in acid. Legal experts criticized the judgment, and the case was under appeal at year's end.

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of successive governments to prosecute and to punish abusers effectively is the single greatest obstacle to ending or reducing the incidence of abuse by the police. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues. However, in February Deputy Inspector General Fayyaz Ahmed Leghari stated that in 1999 Sindh police penalized 28,000 officers for malfeasance, and discharged or compulsorily retired 1,100 out of a total provincial force of 85,000. In February two police inspectors charged with killing an MQM activist in custody in 1998 were denied bail after the Sindh High Court determined that they falsified precinct records and appeared to have committed the crime (see Section 1.a.).

The 1997 Anti-terrorist Act allowed confessions obtained in police custody to be used in new "special courts." Human rights organizations and the press criticized this provision of the law because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law and the Government agreed to amend the law after the Supreme Court in 1998 invalidated this and other sections of the Anti-terrorist Act. Due to greater scrutiny by NGO's and the media, including prison inspections in the Punjab and Sindh, the incidence of torture and abuse in prisons may be decreasing. In Karachi the Citizens Police Liaison Committee (CPLC) brought cases against police who make false arrests, practice torture, or take bribes. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and the demotion or fines for 1,226 others between November 1998 and July 1999.

Police corruption is widespread. Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registering cases on false charges and may torture innocent citizens. Persons pay police to humiliate their opponents and to avenge their personal grievances. During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. The Government also deployed army officers to police stations.

In the past, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. Police corruption is most serious at the level of the Station House Officer (SHO), the official who runs each precinct. In 1998 300 new SHO's recruited on merit began a long-delayed special training course; the new SHO's have been hired and observers believe that they might improve police performance greatly. Some SHO's widely are believed to operate arrest-for-ransom operations, and establish unsanctioned police stations to collect illicit revenue. An August news report listed seven such stations in Karachi. SHO's are powerful; some are believed to have killed superior officers who tried to inhibit their corruption. Senior government officials have confirmed that police stations, and assignments therein, are sold to interested parties who then proceed to recoup their investment through illicit activities.

Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuse persist.

Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These stations are staffed by female personnel, but receive even fewer material and human resources than regular police stations. For example, at the beginning of the year, the Karachi women's police station was housed in an unsafe building that had no bathing facilities and only one toilet for staff and inmates to share. Alerted to these con-

ditions, Sindh Inspector General of Police Aftab Nabi moved the station to improved quarters and began a fundraising drive for a permanent facility. According to the government's own Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. Based on Lahore newspaper reports from January to May 1999, the HRCF found 11 cases of violence, rape, or torture of women in police custody. In 1998 "Nasreen" accused the SHO of Lahore's Mozang police station of raping her after she visited the station to register a complaint against her in-laws. At the end of 1998, the case was under internal investigation by Lahore police; however, during the year, "Nasreen" and her family withdrew the case without stating a reason. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

The Hudood Ordinances, promulgated by the central martial law government in 1979, aimed to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes (see Section 1.c.). These so-called Hadd punishments require a high standard of evidence. In effect, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In 20 years, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines are imposed. From 1979 to 1995, over 1 million Hudood cases were filed, and 300,000 were heard by the courts. More recent statistics are unavailable. The laws are applied to Muslims and non-Muslims alike.

Women frequently are charged under the Hudood laws for sexual misconduct, such as adultery. In 1998 about one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance are acquitted, but the stigma of an adultery charge alone is severe. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases are filed without supporting evidence. Men accused of rape sometimes are acquitted and released while their victims are held for adultery or fornication. The Commission of Inquiry for Women recommended that the Hudood laws be repealed as they are based on an erroneous interpretation of Shari'a (see Section 5).

The Federal Crimes Regulation (FCR), which applies in the Federally Administered Tribal Areas (FATA), permits the punishment of relatives, friends, and neighbors of suspects. Authorities are empowered to blockade villages or to detain tribal kinsmen to obtain the surrender of a fugitive (see Sections 1.e. and 1.f.).

Police routinely use excessive force against demonstrators or strikers. On June 3, in Rawalpindi police that were armed with batons attacked 200 small business owners during a demonstration, injuring a number of persons. On June 9, police personnel used force to disperse a group of protesters, injuring 4 persons. Police accused the protesters of throwing stones and bricks at them, but some eyewitnesses alleged that the police fired without provocation. On June 29, police used batons and deployed tear gas during a rally of small and medium businessmen. In all three incidents, the protesters were challenging government plans to collect sales taxes (see Section 2.b.).

Police at times also beat journalists (see Section 2.a.). For example, in August government agents allegedly beat journalist Mazhar Tufail.

Police failed in some instances to protect members of religious minorities—particularly Ahmadis and Christians—from societal attacks (see Section 5).

A number of bomb attacks killed and injured many persons during the year (see Section 1.a.). No one claimed responsibility for these attacks.

Prison conditions are extremely poor. Overcrowding is widespread. According to the HRCF, there are 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In 1999 a journalist for the Nation newspaper visited Adiala jail in Rawalpindi and reported that the prison holds 4,277 prisoners but was built for 2,000. According to a February press report, Sindh provincial officials claimed that the 16 jails of Sindh province, with a total capacity of 7,759 prisoners, actually housed over 14,000. Karachi central prison is the most overcrowded, with a population of 4,087 prisoners in a space designed for only 991; only 2 toilets are available per every 100 prisoners and the daily food budget in the lowest class of cells equals about \$.020 per prisoner. The HRCF claimed that the Lahore district jail, built to house 1,045 prisoners, contains 3,200. In July 1999, the Punjab Home Department admitted before the Lahore High Court that over 50,000 prisoners were held in Punjabi jails meant for 17,271. In the NWFP 21 prisons with a total capacity of

7,397 prisoners house 10,194 persons, including 485 children. Some 80 percent of prisoners are awaiting trial, mostly for petty offenses.

Prisoners routinely are shackled. The principal of the institute for jail staff training in Lahore stated in a July 1999 press interview that fettering is the most convenient way to administer an overcrowded jail. While the Pakistan Prison Act of 1894 permits fettering for a variety of offenses, the punishment usually is given for administrative convenience, or to extract bribes from prisoners. The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. According to a press report, Shaheen Akhtar, a 15-year-old rape victim charged with adultery under the Hudood Ordinances, was kept fettered in a hospital despite being diagnosed with advanced tuberculosis; Akhtar died in May (see Section 1.c.). Although the Sindh High Court ruled fettering illegal in 1993, the practice continues, and visitors to Sindh jails regularly see fettered prisoners. On April 21, General Musharraf condemned fettering as a "tool of indignity." Following a Lahore High Court ruling in June, prison wardens in Lahore were ordered to remove fetters; however police personnel and prison administrators have resisted (see Section 4).

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors, no furnishings, and poor food. Prisoners in these cells reportedly suffer the most abuse, including beatings and forced kneeling for long periods of time. In 1998 the Senate's Committee on Human Rights reported that at one facility in Hyderabad, 60 prisoners were confined to a space 100 feet by 30 feet with only 1 latrine. Such unsanitary conditions are common in small, poorly ventilated, and decrepit colonial-era prisons. Inadequate food, often consisting of only a few pieces of bread, led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care is a problem. Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 5). Foreign prisoners, mostly citizens of African countries with minimal diplomatic representation, often remain in prison long after their sentences are completed because there is no one to pay for their deportation to their home country. Conditions in "A" and "B" cells are markedly better; prisoners in these cells are permitted to have servants, special food, and televisions. Authorities reserve "A" cells for prominent persons, including political leaders. Especially prominent individuals—including some political figures—sometimes are held under house arrest and permitted to receive visitors.

In September prisoners in Hyderabad prison rioted to protest poor prison conditions. On September 25, police used force to quell a large prison riot; no casualty figures were reported. Prisoners also held riots over prison conditions in Peshawar in October and in Dera Islami Khan in December. There were reports that four prisoners died in the Peshawar jail riot; however, prison authorities denied the reports.

The Government permits prison visits by human rights monitors (see Section 1.d.). Landlords in Sindh and political factions in Karachi operated private jails (see Section 1.d.).

*d. Arbitrary Arrest, Detention, or Exile.*—The law regulates arrest and detention procedures; however, the authorities do not always comply with the law and police arbitrarily arrested and detained citizens. The law permits the Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After the prisoner appears before a magistrate, the court can grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation. The Musharraf regime created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance allows those suspected of corrupt practices to be detained for 90 days without charge (see Section 1.e.).

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant, and have been known to file FIR's without supporting evidence. FIR's frequently are used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but

then another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not fully observe the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detain individuals arbitrarily without charge or on false charges to extort payment for their release. In Karachi small squads of police stopped taxis and delivery trucks for bribes. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also are reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). Police personnel also have been known to detain persons as a result of personal vendettas. Following an August house robbery in a Christian neighborhood in Islamabad, police reportedly arrested residents of the neighborhood and extorted bribes from them in exchange for their release.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. In 1998 the HRCP estimated that there were almost as many individuals awaiting trial in jails as there were prisoners. According to the chief justice of the Lahore High Court, there were over 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April 1999. In 1999 in 62 Lahore city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police have not even brought a "challan," or indictment, to the court. Sindh Government officials reported in February that 11,945 of the 14,219 prisoners in Sindh jails are awaiting trial. In 1997 the Government justified the creation of Anti-terrorist courts by citing the large number of murder and other cases that are clogging the regular court system (see Section 1.e.). The anti-terrorist courts reportedly sentenced 32 persons to death and 15 persons to life imprisonment during the year. Double jeopardy applies to those convicted of possessing narcotics because of a 1990 federal Shariat court ruling that customs and narcotics cases be initiated separately. A February ruling by the Lahore High Court forbidding a second trial was ignored by an April sessions court decision in Lahore, which sent the accused back to prison for the second time on the same narcotics conviction.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for over 3 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto. Charges were first filed against Zardari in 1997 and transferred successively to two courts, where several judges refused to preside. By year's end, only 2 of 223 witnesses have been heard. In April 1999, Zardari was tried and convicted separately on corruption charges.

The Government permits visits by human rights monitors, family members, and lawyers (see Section 1.c.). However, in some cases, authorities refuse family visits and, in some police stations, persons are expected to pay bribes to see a prisoner. The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. The Government continued to exercise such authority during the year. In March two persons from Mullah Said village were arrested under the Frontier Crimes Regulation following a shooting incident in which some persons from this village fired on residents of the neighboring Badan village (see Section 1.f.).

The Government sometimes uses mass arrests to quell protests or civil unrest. In 1999 police personnel arrested hundreds of persons, including two prominent members of the SSP, Maulana Muhammad Azam Tariq and Maulana Mohammad Ahmad Ludhianvi, following a wave of sectarian violence in Punjab and Sindh. Tariq and Ludhianvi were released during the year; however, Ludhianvi was killed in May by unknown assailants and Azam Tariq has taken refuge in Afghanistan (see Sections 1.a. and 5). Police arrested small businessmen during strikes in May and June; however, all of the demonstrators were released shortly after their arrests. On May 11, police arrested about 300 Muslim clerics and students in Lahore during protests against Musharraf's proposed changes to the blasphemy laws (see Sections 2.b. and 2.c.). In September Lahore police arrested more than 500 activists

of the Pakistan People's Party (PPP) for shouting slogans against the Musharraf regime and the army. During the year, police arrested hundreds of opposition party members in order to prevent planned demonstrations from occurring (see Section 2.b.).

The Government detained several high-profile businessmen in connection with General Musharraf's anticorruption campaign. In March police detained a leading Afghan rug merchant; the merchant was released after 2 months. On May 8, armed gunmen seized Amin Lakhani, a leading Karachi businessman. Several days later, the NAB admitted that it authorized Lakhani's seizure. Lakhani was held without charge for several weeks and questioned about his financial affairs. His brother, Sultan Lakhani, also was seized on May 8 and remained in detention without charge at year's end.

On a number of occasions, police arrested persons prior to demonstrations under the Criminal Procedures Code ban (see Section 2.b.).

Police personnel arrested about 150 journalists during a peaceful protest in April. In August police personnel arrested four journalists who reportedly criticized the police; the journalists were released after 4 days (see Section 2.a.).

In past years, persons occasionally were detained arbitrarily because of disputes with powerful or well-connected persons; however, there were no reports that this occurred during the year.

The Musharraf Government detained without warrants and without charges several dozen political figures, military officers, government administrators, and Sharif family members following the 1999 coup. Nawaz Sharif and members of his family, including Punjab chief minister Shahbaz Sharif; most of the Cabinet; several senior advisors to the Prime Minister or to the Government; and a number of military and police officials were arrested or placed under house arrest immediately following the coup. On several occasions during the year, police officials prevented Nawaz Sharif's wife, Kulsoom Nawaz, from speaking at public meetings. Many of the officials who were arrested following the coup were held incommunicado. Nawaz Sharif was held incommunicado from the time of his arrest until he was brought to court more than 1 month later. Most others were released within a few days. In December the Government released from detention former Minister of Information Mushahid Hussain who had been held under house arrest since the October coup. As of year's end, approximately 30 politicians and their relatives remained in custody.

Several key figures among those initially arrested without charge, including Nawaz Sharif, were held in connection with the "hijacking" on October 12, 1999 of the civilian airliner carrying General Musharraf back from a conference in Sri Lanka; former Prime Minister Sharif reportedly denied permission for the plane to land in Karachi. Along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, this event led to the 1999 coup. In the weeks following Sharif's arrest, he was detained without charge and denied access to counsel and family members (see Section 1.e.). A First Incident Report was filed on November 10, 1999, which charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an Anti-terrorist court. On November 26, 1999, three other individuals—former Punjab chief minister Shahbaz Sharif, former senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi—were named codefendants in the case. Following changes in the Anti-terrorist Act, the formal filing of charges against Nawaz Sharif occurred on December 8, 1999. Sharif was convicted and sentenced to life imprisonment in April. His six codefendants were acquitted; however, they were still in custody at year's end on a maintenance of public order charge" (see Section 1.e.).

Private jails exist in tribal and feudal areas.

Hundreds of MQM activists and legislators (including former Sindh Minister of Labor Shoaib Bokhari) were arrested in 1998 and remained in custody at year's end; some of these activists are being held without charge. According to MQM officials, police arrested over 700 MQM officials during the past 2 years (see Section 1.c.).

Many persons apprehended by the National Accountability Bureau (see Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge (see Section 1.d.). Siddiq ul-Farooq, a former press secretary to Nawaz Sharif, was arrested under the NAB in October 1999 and held without charge until May; at year's end, he was in detention pending commencement of the proceedings in his case. On April 4, Mian Manzoor Watoo, the former Punjab Chief Minister and head of his own PML faction, became the first senior politician to receive a jail term in a corruption case. In late 1999, MQM leader and former mayor of Karachi Dr.

Farooq Sattar was arrested by order of the NAB, removed from his domicile, and held in a cell without a bed, chair, or desk. On July 14, Sattar was convicted on a widely disputed corruption charge. In July Nawaz Sharif was sentenced to 14 years' imprisonment and banned from holding political office for 21 years on the basis of a corruption conviction. Most observers reported that Sharif's trial was fair; however, they believe the Government's decision to pursue the corruption case was politically motivated.

During the year, authorities released from prison thousands of persons convicted of petty crimes who were being held despite the fact that their prison terms had expired. For example, in January authorities released 12,000 prisoners who were convicted of petty crimes. In an October news report, a senior official in the Ministry of Interior stated that 47,000 persons who were jailed for minor offenses were released during the year. The Punjab Department of Jails reportedly released 15,000 prisoners who were convicted of petty crimes during the year.

Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers were being maintained by landlords in lower Sindh (see Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords have defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentence persons to the death penalty in defiance of provincial laws. In January a newspaper reported that 56 landless agricultural workers escaped from a private jail in Sanghar district, Sindh. The landlord reportedly had forced them to work without wages for several years. In February 42 bonded laborers escaped from a private jail in Umerkot district, Sindh. Under pressure from the landowner, seven of the laborers signed affidavits that they had not been confined against their will. On March 8, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women or children. According to press accounts, the laborers were kept in chains, not compensated for their work, and were beaten frequently.

On December 9, the Government commuted former Prime Minister Nawaz Sharif's prison sentence and exiled him and 18 of his family members to Saudi Arabia for 10 years. The Sharif family was forced to surrender a number of assets to the Government and had to agree to withdraw from politics while in exile. Some observers stated that the Government exiled Sharif in order to remove him from politics and to reduce the power and influence of the opposition.

*e. Denial of Fair Public Trial.*—The suspended Constitution provided for an independent judiciary; however, in practice, the judiciary remains subject to executive branch influence, and despite the Musharraf regime's pledge to respect the independence of the judicial system, it took steps to control the judiciary and to remove the regime from judicial oversight. Provisional Constitution Order Number 1, issued on October 14, 1999, provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority. The decree effectively removed the actions of the Musharraf regime from judicial oversight. General Musharraf further undermined the independence of the judiciary when he ordered that all Supreme Court, Shar'ia Court, and Provincial High Court justices take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, and corruption contributed to judicial inefficiency, particularly in the lower courts.

On January 25, 4 days before the Supreme Court was due to begin hearings on the legitimacy of the coup, General Musharraf ordered all Supreme Court, Shariat court, and provincial High Court justices to take an oath committing themselves to uphold the PCO, which suspended the Constitution and legislative bodies and prohibited the superior courts from making any decision against the Chief Executive "or any person exercising powers or jurisdiction under his authority." Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO are no longer subject to judicial review. Some government officials claimed that General Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body.

The Supreme Court at times demonstrated a limited degree of independence. For example, on May 12, in a unanimous decision, the Supreme Court upheld the legality of the coup on the grounds of state necessity; however, the court ordered the current Government to hold national elections no later than 90 days after October 12, 2002. The decision also affirmed the Supreme Court's continued right of judicial

rule, ruled that it was legal for the Musharraf Government to amend the Constitution as long as the amendments do not change the basic character of the Constitution, and reserved the right to review the military's performance and the continued necessity of the Emergency Proclamation and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, antinarcotics, and anti-terrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system is: Civil court, district court, High Court, and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

The judiciary has argued that it has failed to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Sharif Government passed the Anti-terrorist Act in 1997; special anti-terrorist courts began operation in August 1997. The anti-terrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts produced only a handful of convictions in 1998. Under the act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Cases are to be decided within 7 working days, but judges are free to extend the period of time as required. Trials in absentia were permitted, but then subsequently prohibited in October 1998. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-terrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the anti-terrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The anti-terrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions. In 1997 cases filed under Section 295 (a) of the Penal Code (one of the so-called blasphemy laws—see Section 2.c.) were transferred to the anti-terrorist courts. Human rights advocates feared that if blasphemy cases were tried in the anti-terrorist courts, alleged blasphemers, who in the past normally were granted bail or released for lack of evidence were likely to be convicted, given the less stringent rules of evidence required under the Anti-terrorist Act.

In November 1998, Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 1998. These courts were to try cases involving heinous acts and terrorism, which the Government stated were a serious challenge to public authority that the existing court system was inadequate to address. They were intended to bring swifter justice to the city, which had been plagued by terrorism, violence, and a general breakdown in law and order. Military courts began operation in December 1998. In January 1999, the Supreme Court ruled in an interim decision that military trial courts could not impose the death penalty. On February 17, 1999, the Supreme Court ruled that the military courts were unconstitutional and ordered the establishment of additional anti-terrorist courts; however, it allowed sentences already handed down by the military courts to stand. The anti-terrorist courts were to operate under the supervision of two Supreme Court justices, and courts of first instance and appellate courts were to render decisions within 7 days; in practice, this did not occur. Consequently in April 1999, the Sharif Government promulgated an ordinance transferring cases from military trial courts to anti-terrorist courts and expanded the jurisdiction to cover the same types of offenses as the military courts, including murder, gang rape, and child molestation. An April 1999 ordinance made strikes and go-slows illegal as "civil commotion" offenses; both are punishable by incarceration and fines (see Sections 2.b. and 6.a.). In December 1999, the Musharraf Government again modified the Anti-terrorist Act by adding a number of additional offenses, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offense; and kidnaping or abduction to confine a person. By ordinance the Musharraf regime created a special anti-terrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer ... any

case pending before any other special court . . . and try the case" in his court. Supporters of Nawaz Sharif maintained that these changes were designed to help the Musharraf regime prosecute Sharif.

The trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an Anti-terrorist court during the year. On April 6, Sharif was found guilty of hijacking and terrorism and sentenced to two terms of life imprisonment (to be served consecutively), an unspecified fine, 5 years' rigorous imprisonment in lieu of non-payment of the fine, forfeiture of all property, and a fine to compensate the 198 passengers and crew of the flight. Judge Jaffrey ruled that there was insufficient evidence to arraign Sharif on four offenses related to "waging war against the state" and criminal conspiracy; the charges were dropped. The six codefendants were found not guilty; however, they were still in custody at year's end on a "maintenance of public order charge."

Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. The defendants were given free choice of and ready access to counsel. Diplomats and the media were granted free daily trial access and newspapers frequently reported on defense attorneys' criticism of General Musharraf and the army. In February the prosecution asked the judge to restrict media coverage of court statements by the accused. Judge Jaffrey rejected the prosecution's petition; however, the court reserved the right to prevent publication of sensitive national security data. Nawaz Sharif and his defense counsel expressed "full confidence" in the court. The prosecution appealed the codefendants' acquittals and Sharif's life sentences, arguing for the death penalty, and the defense appealed Sharif's conviction in the Sindh High Court in a trial that courtroom observers considered free and fair. On October 30, the appeals court upheld Nawaz Sharif's convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Nawaz's sentence to the death penalty, reduced the amount of property forfeiture, and affirmed the antiterrorism court's acquittals of the six codefendants.

By ordinance, the Musharraf regime created the National Accountability Bureau and special accountability courts to try corruption cases. The NAB was created in part to deal with as much as \$4 billion (approximately PRs 208 billion) that is estimated to be owed to the country's banks (all of which are state-owned) by debtors, mainly from among the wealthy elite. The Musharraf Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute such cases, and the accountability courts were expected to try cases within 30 days. The ordinance prohibits courts from granting bail and gives the NAB chairman sole power to decide if and when to release detainees. The ordinance also allows those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 90 days without charge and, prior to being charged, does not allow access to counsel. During the year, many persons that were apprehended under the NAB ordinance remained in detention without charge for longer than 90 days (see Section 1.d.). In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment; fines; and confiscation of property. Those convicted also are disqualified from running for office or holding office for 21 years. On August 11, the Government announced that persons with a court conviction would be barred from holding party office.

The Musharraf regime denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. In June the Government announced that NAB had arrested 132 persons to date; 82 persons were in detention, 53 were held in judicial lockups, and 29 were in the bureau's custody. A published list of persons charged with corruption by the NAB included former Prime Ministers Nawaz Sharif and Benazir Bhutto. On November 19, 1999, MQM leader and former mayor of Karachi Dr. Farooq Sattar was arrested on a corruption charge by the NAB. He was held for more than three months in prison without access to counsel and was transferred from Karachi to Attock Fort, a high-security army facility in NWFP in February. Sattar was convicted on July 14 and sentenced to 14 years' rigorous imprisonment, a \$1 million (PRs 50 million) fine, and 21 years of political disqualification. Sattar's lawyers complained about violations of due process and the remote venue of the trial.

The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal

codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, are able to obtain pre-arrest bail, and are thus spared arrest and incarceration.

The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of the NWFP—Malakand and Kohistan—Shari'a law was instituted in 1999 by regulation and by ordinance, respectively. On September 20, 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (see Section 2.c.). In May the governor of the NWFP reportedly affirmed to the media his plan to implement Shari'a law in Malakand division.

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process holds up the promotion of many lower court judges to the High Courts. Although the higher level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor court functionaries.

Persons in jail awaiting trial sometimes are held for periods longer than the sentence that they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. At the end of 1997, 80,000 criminal cases were reportedly pending in Sindh, 67,800 of which were in Karachi. The Law Ministry, in reply to a question in the National Assembly in 1997, reported that there were over 150,000 cases pending with the superior judiciary, which includes the Supreme Court and the four provincial High Courts. During the year, there were approximately 125,000 cases pending. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence magistrates in their decision-making, sometimes threatening to transfer magistrates to other assignments.

In July 1999, press reports noted that hundreds of prisoners remained in the Karachi central prison after the completion of their sentences. The Sindh Home Department stated that at least 10 percent of prisoners awaiting trial in Karachi central prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in one block discovered that 16 percent of them were not represented by attorneys. As of March 1999, 6,000 cases awaited trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked; however, Diyat occasionally is applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. In 1998 the Human Rights Commission of Pakistan noted that there were 58 persons in prison after the completion of their jail terms because they could not pay the Diyat.

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court are entitled to the lawyer of their choice. There is a system of bail.

The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (see Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases are tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offenses are most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the court may deem fit. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed up to 25 years in prison and 30 lashes. No Hadd punishment has ever been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (see Section 5).

Administration of justice in the FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who are federal civil servants assigned to tribal agencies, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conduct punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (see Sections 1.c. and 1.f.).

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

Another related form of rough justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs—either real or perceived—to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (see Section 5).

There are limited numbers of political prisoners. Sections of the Penal Code directly target members of the Ahmadi faith; according to Ahmadi sources, approximately 200 Ahmadis have been incarcerated under these provisions since their inception. Several minority religious groups argue that other sections of the Penal Code—particularly the related blasphemy laws—are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. While precise numbers are unavailable, the Ahmadis estimate that 80 of their coreligionists were charged in criminal cases “on a religious basis” in 1999 (see Sections 2.c. and 5). On April 12, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR; however, the Government reversed this decision on May 16 due to intense pressure from some Islamic groups (see Section 2.c.).

Some political groups also argue that they are marked for arrest based on their political affiliation (see Section 1.d.). The Muttahida Quami Movement, in particular, has argued that the Government used Anti-terrorist court convictions in Sindh to silence its activists.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Government infringes on citizens' privacy rights. The Anti-terrorist Act allowed police or military personnel acting as police to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in an alleged terrorist act (which is defined very broadly). This provision was never tested in the courts. While the Anti-terrorist Act was partially suspended in 1998, the Government promulgated new Anti-terrorist Ordinances in October 1998 and in April 1999. Under these new ordinances, many blasphemy cases are now tried by anti-

terrorist courts. By law the police need a warrant to search a house, but not to search a person. Despite this law, police have entered homes without a warrant and sometimes stole valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom are punished for illegal entry.

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities routinely use wiretaps and intercept and open mail. In 1997 the Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations. The judiciary's directive has been widely ignored. A case in which it was alleged that 12 government agencies tapped and monitored citizens' telephone calls still was pending in the Supreme Court at year's end.

Police sometimes arrest and detain relatives of wanted persons to compel them to surrender. In some cases, the authorities have detained entire families in order to force a relative who was the recipient of an arrest warrant to surrender (see Section 1.d.). While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families to prevent marriages they oppose. For example, in July 1999, police in Mirpurkas District, Sindh raided the home of Javed Dal, who had eloped with his cousin, and arrested his family members as hostages. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front Executive Committee to instigate the arrests, which were carried out without warrants (see Section 5). The authorities also fail to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking a divorce against the wishes of other family members. In June Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (see Section 5).

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or blockade an entire village (see Sections 1.c. and 1.d.). The Government demolished the houses of several alleged criminals, as well as the homes of those who reportedly tolerated nearby criminal activity.

On December 13, 1999, a Shariat court established by the Tehrik-i-Tulaba, an extremist group in Orakzai Tribal Agency, fined six alleged accomplices to a killing, and burned down their homes as punishment. On December 29, 1999, there were riots in Karachi in response to the demolition by security forces of up to 300 homes in the low-income Gharibabad neighborhood, which is widely considered to be an MQM-Altaf stronghold. Authorities claimed that the homes were built without permits and that they sheltered terrorists and criminals. In March police personnel arrested two persons from Mullah Said village following an incident in which several persons from the village shot at residents of the neighboring Badan village (see Section 1.d.).

Provincial governments sometimes forcibly moved landless laborers from their temporary camps. For example, in October local government officials forcibly moved 900 persons who recently had been freed from bonded labor from their temporary camps in Sikandarabad in Kotri district (see Section 6.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The suspended Constitution provided for freedom of speech and of the press, and citizens generally are free to discuss public issues; however, some journalists practice a degree of self-censorship. In contrast to the Sharif Government, the Musharraf Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators are increasingly critical of the Government; however, direct criticism of the military is rare. Investigative journalism is rare; instead the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

Prior to the 1999 coup, any person deemed to have damaged the Constitution, including the publication of statements against the spirit of the Constitution, could be prosecuted for treason. However, prosecutions under this provision were rare. The suspended Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c.). The Anti-terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant is required to seize such material. While the Anti-terrorist Act was partially suspended in 1998, the Sharif Government promulgated new Anti-terrorist Ordinances in October 1998 and in April 1999.

In March police in Hyderabad registered criminal cases against Kulsoom Nawaz and 15 other PML leaders for making "provocative" speeches at a party convention held the previous day.

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to compete with and criticize each other publicly. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from public scrutiny and criticism. The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint. Officially the ISPR closely controls and coordinates the release of military news and access to military sources. After the 1999 coup, journalists reported no attempts by the ISPR agencies to influence editorial content.

Detailed public discussion of the military as an institution is hampered severely since any published discussion, let alone criticism, of the defense budget is proscribed by law. However, in 1997 this code of silence was undermined when a National Assembly committee discussed defense appropriations and corruption in defense contracts in open session, thereby making possible (and legal) newspaper coverage of the same issues. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers in September were widely discussed in the press and newspapers published calls for extending the accountability process to include former military officers.

Government leaks are not uncommon, but are managed carefully, and often are made to underpaid journalists who are on the unofficial payrolls of competing interests. Reports of intimidation, heavy-handed surveillance, and legal action to quiet the unduly curious or nondeferential reporter were common in the past; however, these reports have declined significantly since the coup. The Government has had considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its control over the supply of newsprint and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there were fewer such complaints during the year. On July 1, the Government ended its monopoly of newsprint supply and did not initiate new efforts to collect back taxes from selected newspapers. On August 28, the Government announced a draft ordinance for freedom of information, which would require every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the act excludes all classified documents and does not define what constitutes classified information. By year's end, this ordinance has not been enacted. On December 30, the Government declassified the Hamoodur Rahman Commission Report, which criticizes the conduct of political and military leaders during the 1971 war with India.

On April 29, a newspaper reported that police attacked and arrested 150 journalists from Islamabad and Rawalpindi during a peaceful protest (see Sections 1.d. and 2.b.). In May journalists in Abbotabad accused the local army monitoring cell of harassing Shuja Ahmad, president of a local organization of journalists. On August 22, several unknown assailants attacked Mazhar Tufail, a journalist from the Awam newspaper (see Section 1.c.). The journalist claimed that his assailants were government agents who wanted information on his activities. On August 30, police in Dadu, Sindh arrested and charged with theft four journalists who reportedly criticized the police; authorities released the journalists after 4 days (see Section 1.d.). On July 10, police personnel entered the Lahore Press Club during a press conference and arrested the leader of the All Pakistan Traders Alliance, Umer Sailya. During the press conference, Sailya had criticized Musharraf and the military. In October a team of army monitors demanded immediate access to the premises of the Dawn newspaper and threatened to cut off power if refused; this occurred after the editors of Dawn received an unsigned letter threatening retaliatory action for recent articles criticizing the Government. However, many reputable journalists stated that

this incident was an electrical inspection and not a violation of freedom of press. On October 3, police officials prohibited more than a dozen journalists from covering a speech that General Musharraf delivered to a group of businessmen. On December 10, army personnel detained for several hours a journalist and four photographers who attempted to photograph the departure of Nawaz Sharif following his exile. The officers confiscated the film and subsequently released the journalist and photographers.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually are circumspect in their coverage of sensitive domestic news and tend to follow a government line.

The Print, Press, and Publications Ordinance requiring the registration of printing presses and newspapers was allowed to lapse in 1997 after several years of wanting application. In practice, registering a new publication is a simple administrative act, and is not subject to political or government scrutiny.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are likewise subject to censorship for objectionable sexual or religious content. English language publications were not affected by the direct proscription of books and magazines promulgated by the Chief Commissioner in Islamabad, who banned five Sindhi-language publications in 1997 for "objectionable material against Pakistan," i.e., expressions of Sindhi nationalism.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when a group is extreme in its views, can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. At times landlords and their agents, who have become accustomed to terrorizing the powerless on their lands in an atmosphere of impunity, retaliate against journalists who report on their crimes. Journalists working in remote areas can expect more difficulties from local authorities and influential individuals than their big city counterparts. However, violence against and intimidation of journalists is a nationwide problem.

The broadcast media are mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these media are controlled closely by the Government and traditionally reflect its views. One private radio station, one television broadcaster, and a semi-private cable television station are licensed under special contractual arrangements with the Government. The semi-private television station, Shalimar Television Network (STN), occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. In 1999 after STN aired news stories critical of the Sharif Government's handling of the Kargil crisis with India, PTV announced plans to turn the STN into an "all-news" channel, scheduled to start in October 1999; as of year's end, these plans have not been implemented. The Ministry of Information monitors advertising on all broadcast media, editing, or removing advertisements deemed morally objectionable.

In 1999 the Secretary for Information was quoted in the press as stating that additional, private television and radio channels would soon be licensed, echoing a pledge made by General Musharraf. However, by year's end, no such licenses were granted. Satellite dishes are readily available on the local market and are priced within reach of almost everyone with a television set—well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment.

Literary and creative works remain generally free of censorship. Dance performances, even classical performances, are subject to protest by certain religious groups. Obscene literature, a category broadly defined by the Government, is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are broad-

cast on television; however, some sensitive series have been canceled before broadcast.

The Government and universities generally respect academic freedom. The atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-e-Tulaba (IJT—the student wing of the religious political party Jamaat-i-Islami) imposes its self-defined code of conduct on teachers and other students.

*b. Freedom of Peaceful Assembly and Association.*—The suspended Constitution provided for freedom “to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order;” however, while the Government until March generally permitted peaceful assembly, it later imposed significant restrictions on this right. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings (see Section 2.c.). Throughout the year, the Government occasionally interfered with large rallies, which were held by all political parties. On March 15, the Musharraf regime enacted an ordinance banning all public political gatherings, processions, and strikes. Government officials claimed that the ban was enacted as a safety measure for the visit of an official head of state; however, the ban remained in place at year’s end, although it has been enforced unevenly. Some groups circumvented the ban by meeting in private homes while using loudspeakers to carry the proceedings to supporters outdoors. The Government approved some public political gatherings, including a meeting of the Grand Democratic Alliance in September where parties debated which steps to take to return the country to democracy.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations. For example, in July police arrested a group of Sharif supporters on their way from Lahore to Peshawar for a demonstration. On August 11, police arrested 40 PML supporters ahead of a planned public meeting on the country’s independence day. In September police in Lahore arrested more than 500 members of the PPP for shouting anti-Musharraf and anti-army slogans. In October police arrested approximately 300 opposition leaders prior to a planned demonstration commemorating the year anniversary of the coup.

The MQM has been harassed in its regular political activities, especially by the Sindh police. On February 19, police arrested 35 MQM and Jiye Sindh Qaumi Mahaz (JSQM, a national Sindhi political party) members during a public protest against layoffs of Urdu and Sindhi speaking workers from Pakistan Steel (see Section 1.d.). On February 19, police personnel arrested 40 members of JSQM who planned to participate in a strike (see Section 1.d.). Police frequently arrested PML leaders and supporters in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party’s headquarters (see Section 1.d.).

In August 1999, the Sharif Government issued an ordinance related to the anti-terrorist courts (see Section 1.e.). One section of the ordinance made “illegal strikes, go-slows, (or) lock outs” punishable by up to 7 years’ imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it would be used to silence legitimate dissent. The anti-terrorist courts did not invoke this ordinance during the year.

Police also arrested about 300 Muslim clerics and students in Lahore in May and students in Lahore during protests against General Musharraf’s proposed changes to the blasphemy laws (see Sections 1.c. and 2.c.).

Police sometimes used excessive force against demonstrators. On April 29, a local newspaper reported that police attacked with batons and then arrested more than 150 journalists from Islamabad and Rawalpindi during a peaceful rally (see Sections 1.c. and 2.a.). On June 3, police attacked with batons a procession of 200 small business owners who were protesting a government campaign to collect sales taxes; police also arrested three demonstrators (see Section 1.c.). On June 9, police opened fire to disperse a protest in Peshawar; four persons were injured (see Section 1.c.).

Police accused the protesters of throwing stones and bricks; however, eyewitnesses alleged that the police opened fire without provocation.

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (see Section 2.d.).

The suspended Constitution provided for freedom of association subject to restriction by government ordinance and law; however, the Government maintained some limits on this right. While these ordinances and laws apparently have not been used since the martial law period, the Sharif Government revoked the licenses of almost 2,000 NGO's in Punjab. After the coup, the government of Punjab lifted the ban on the registration of new NGO's, but the old NGO's remained without licenses at year's end. Overall, NGO's reported improved relations with the Government during the year (see Section 4). There are no banned groups or parties.

*c. Freedom of Religion.*—The suspended Constitution provided for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government imposes a range of limits on freedom of religion. Pakistan is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi'a. The suspended Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July General Musharraf amended the PCO in order to incorporate the Islamic provisions of the suspended Constitution, which include the definition of "Muslim" and "non-Muslim" and procedures regarding Shariat courts. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them.

In the Malakand division and the Kohistan district of the NWFP, ordinances require that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna. Islamic law judges with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, try all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply. For example, police are authorized to arrest or fine Muslims who eat or smoke in public places during Ramadan. In 1998 then-Prime Minister Nawaz Sharif, proposed an amendment to the Constitution (the 15th Amendment) that would have imposed Shari'a throughout the country; minority religious groups feared that the implementation of this amendment would have restricted further the freedom to practice religions other than Islam. However, the Musharraf Government did not enact the proposed 15th Amendment and reportedly has no plans to do so.

Discriminatory religious legislation has added to an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus, and members of Muslim offshoot sects, such as Ahmadis and Zikris (see Section 5).

The Ahmadis are subject to specific restrictions under law. A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Since 1984 Ahmadis have been prohibited from holding conferences or gatherings (see Section 2.b.). Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. In 1982 Section 295(b) was added,

which stipulated a sentence of life imprisonment for “whoever willfully defiles, damages, or desecrates a copy of the holy Koran.” In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling “the sacred name of the holy Prophet Mohammed.” In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295(c), have been used by rivals and local authorities to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No one has been executed by the State under any of these provisions, although religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. On April 21, the Government announced its intention to require that deputy commissioners review all blasphemy cases prior to the filing of a FIR (see Section 1.c.); however, General Musharraf later reversed this decision due to strong pressure from some Muslim groups. On May 11, police arrested approximately 300 Muslim clerics and students in Lahore during protests against Musharraf’s proposed changes to the blasphemy laws (see Sections 1.c., 1.d., and 2.b.). According to Ahmadi sources, approximately 3 dozen Ahmadis have been charged under the blasphemy laws since the October 1999 coup. For example, in October police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Mushtaq Ahmad Saggon and Nasir Ahmad, were convicted in Muzaffargarh in July 1999 under Sections 295(a) and 295(c) for preaching and distributing religious literature. Their case was transferred to an anti-terrorist court at Dera Ghazi Khan, and the Lahore High Court denied their request for bail.

In May a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years’ imprisonment each and fined them each \$1,500 (PRs 75,000). The brothers were convicted of desecrating the Koran and blaspheming the Prophet Mohammed; both cases were registered by an ice cream vendor who allegedly fought with the brothers after he asked them to use their own dishes, stating that his were reserved for Muslim customers. Lawyers for the brothers filed an appeal in the Lahore High Court. On May 2, Augustine Ashiq Masih was charged with blaspheming the Prophet in Faisalabad. According to press reports, Masih converted to Islam, married a Muslim woman, and then converted back to Christianity, which angered local Muslims who brought the charges against him. Ayub Masih (detained since 1996) was convicted of blasphemy for making favorable comments about Salman Rushdie, the author of the controversial book, “The Satanic Verses,” and was sentenced to death in April 1998. Ayub’s family and 13 other landless Christian families were forced from their village in 1996 following the charges, and he survived an attempt on his life in 1997, when he was shot at outside of the courtroom while in trial. The case was pending appeal before the Lahore High Court at year’s end.

Police also arrest Muslims under the blasphemy laws; government officials maintain that about two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. In February Muhammad Younis was sentenced to 13 months in jail in Multan for uttering derogatory remarks about the companions of the Prophet Mohammed. In March an anti-terrorist court in Sindh convicted Muslim author Gohar Shahi in absentia under the blasphemy laws. On August 5, Abdul Hasnain Muhammad Yusuf Aliwas was given a death sentence and 35 years’ imprisonment by a Lahore court after being convicted under Sections 295(a), 295(c), and 298 for defiling the name of the Prophet Muhammad. Some of Ali’s supporters claim that he was being persecuted for his allegedly unorthodox Islamic beliefs. In August Abdul Hasnain Muhammad Yusuf Ali, a Sufi Muslim was convicted of blasphemy under Sections 295(a) and 295(c) for defiling the name of the Prophet Muhammad. A Lahore court sentenced Ali to death. On October 4, police arrested Yunis Shaikh on blasphemy charges after he allegedly made remarks offensive to Islam and to the Prophet Mohammad during a lecture. Police denied bail and he was awaiting trial at year’s end. In 1998 a Shi’a Muslim, Ghulam Akbar, was convicted of blasphemy for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. The case remained under appeal at year’s end.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges and magistrates often continue trials indefinitely, and the accused is burdened with further legal costs and court appearances. Many judges also try to pass such cases to other jurists.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims vote for Muslim candidates by geographic locality while non-Muslims must vote for at-large non-Muslim can-

didates. Legal provisions for minority reserved seats do not include the Senate and the Federal Cabinet.

Furthermore according to the suspended Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

In June a prominent Christian-affiliated NGO that is active in defending those accused of violating the blasphemy laws received a series of death threats.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religions. In practice many non-Muslim students are compelled by teachers to complete the Islamiyyat. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved.

The Government designates religion on passports, and to get a passport citizens must declare whether they are Muslim or non-Muslim. Muslims must also affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

In September 1999, the Sharif Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often can be ascertained from their names. General Musharraf and members of his staff apparently consulted with religious minorities on some of his initial cabinet appointments.

In December 1999, the Supreme Court ruled that interest is un-Islamic and directed the Government to implement an interest-free system by June 2001.

Following the coup, the Musharraf Government affirmed its commitment to protect the rights of religious minorities. According to minority community members, the Government made efforts to seek minority input into decision-making and offered some religious minorities cabinet positions.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabway) in Punjab often has been a site of violence against Ahmadis (see Section 5).

In December 1999, several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab, which belonged to Mohammad Nawaz, a local Ahmadi leader accused of planning to build an Ahmadi house of worship (see Section 5). A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free clinic next to his home. The mob destroyed the clinic and looted and burned Nawaz's home. According to Ahmadi sources, police personnel arrived at the scene, but did nothing to stop the crowd. At year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police took no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested and charged with blasphemy. Several days later, they were released on bail; however, the blasphemy case against them was pending as of year's end. Three other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in town at the time; however, the case against them was dismissed for lack of evidence.

Sectarian violence and tensions continued to be a serious problem throughout the country (see Section 5). More than 300 persons have died in incidents of sectarian violence in Punjab in the last 3 years, according to one credible newspaper report. Another newspaper reported that over 2,000 persons have died in sectarian violence since 1981 (see Section 1.a.). However, sectarian violence markedly decreased after the October 1999 coup.

Anti-terrorist courts also handed down convictions against several individuals accused of sectarian violence. On April 22, an anti-terrorist court in Rawalpindi sentenced 23 persons to life imprisonment for their role in leading a procession of persons that burned a Shi'a mosque in 1996. On July 3, an anti-terrorist court in Gujranwala convicted 2 men for reportedly killing a Shi'a senior police officer; however, the men later were released.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Most citizens enjoy freedom of movement within the country and the freedom to travel abroad; however, the Government limits these rights. The authori-

ties at times prevent political party leaders and religious leaders from traveling to certain parts of the country (see Sections 2.b. and 2.c.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement is rarely enforced against students.

Citizens regularly exercise the right to emigrate. However, an Exit Control List (ECL), which is made public but is constantly revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. At the end of 1999, the HRCP estimated that there were more than 5,000 entries on the ECL, including 400 PML leaders, all 45 MQM legislators and their family members, 20 journalists, and as many as 3,000 alleged bank defaulters. The Musharraf Government increased the use of the ECL reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf Government's emphasis on accountability. According to a press report, the Musharraf Government added approximately 3,000 names to the ECL. No judicial action is required to add a name to the ECL; however, those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country in December 1998. Bhutto was allowed to leave later that month following a court order to lift the travel restrictions against her.

Pakistan has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol and has not adopted domestic legislation concerning the treatment of refugees. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting "prima facie" status to all Afghans in the country; under the new policy, all refugee determinations are to be made on a case-by-case basis. However, means for screening Afghan refugees have not been established, and Pakistani law makes no provisions for asylum. The absence of legalized asylum, coupled with sharp economic competition, led to a more restrictive admissions policy and a deteriorating quality of life for some refugees.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. There remain an estimated 1.2 million Afghan refugees in the country who have been granted first asylum. There also are an estimated 2 to 3 million unregistered Afghans in urban areas throughout the country.

The Government has not granted permanent legal resettlement to Afghan refugees but allows them to live and work in the country. Many are self-supporting and live outside refugee camps, which has resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. The Government occasionally harasses refugees and threatens them with deportation. For example, authorities in Quetta detained a number of newly arrived Afghans, mostly non-Pashtun minorities, with plans to deport them. In December 1999, the UNHCR proposed that the Government establish a formal joint screening mechanism to determine whether or not the intended deportees are refugees according to internationally accepted standards. No such formal mechanism was established during the year, and the Government deported some persons without notifying UNHCR officials. However, the Government sometimes allowed the UNHCR to attempt to find solutions other than deportation for refugees, such as arranging for resettlement in a third country.

Most refugee camps are well established, and living conditions resemble those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp (since 1996) and the Shamshatoo camp (since 1999). Conditions for newly arrived Afghans generally are worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water are ongoing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. In 1999 874 Afghan refugees from Nasir Bagh camp were relocated to make room for construction of a new highway and housing development. Some were taken to Akora Khattak camp; however, many reportedly returned to Afghanistan or moved to other locations in Pakistan. Relocations declined in late 1999 and did not occur during the year.

According to Amnesty International, there was one report of the forced return of a person to a country where he feared persecution during the year. Professor Mohammad Rahim Elhan, a prominent Afghan scholar who had accused the Govern-

ment of interfering in the internal affairs of Afghanistan, was deported against his will to Afghanistan on June 21. However, he was subsequently permitted to reenter Pakistan. The Government cooperated with the UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 1999 approximately 92,000 Afghans returned to their home country. Afghan refugees have limited access to legal protection and depend on the UNHCR and group leaders to resolve disputes among themselves and with Pakistanis. In the past, police sometimes attempted to prevent Afghan nationals from entering cities and there were reports that some have been forced back into refugee camps. During the year, there were reports that the Government closed some Afghan schools and cracked down on unlicensed medical practitioners that treat mostly Afghans.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGO's and private entities provided women and girls with better education and health care than is available in Afghanistan. However, Afghan women working for NGO's were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

Several prominent Afghans also reportedly have been the targets of harassment and violence from Taliban supporters and conservatives in the refugee community. According to newspaper reports, at least 10 Afghans were killed during the year, reportedly for their political views (see Section 1.a.). On June 1, unknown gunmen injured Mohammad Enam Wak at his home in Peshawar (see Section 1.c.). Wak wrote a book calling for a federal system of government in Afghanistan. In July an Afghan leader, Haji Jan Mohammad, whose name reportedly appeared on a Taliban hit list, was killed by unknown assailants (see Section 1.a.). Police investigations of these Afghan killings were perfunctory at best; there were no arrests or convictions in any case.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu speakers from the Indian state of Bihar who went to East Pakistan—now Bangladesh—at the time of partition in 1947. When Bangladesh became independent in 1971, the Biharis sought resettlement in Pakistan. However, approximately 250,000 Biharis remain in refugee camps in Bangladesh. While the Mohajir community—descendants of Muslims who immigrated to Pakistan from India after partition—supports their resettlement, the Sindhi community opposes it. In 1993 the Government flew 342 Biharis to the country and placed them in temporary housing in central Punjab. No further resettlement has occurred.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens continued to be denied their right to choose or change their government peacefully. After the imposition of a military government in October 1999, the Constitution and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely. General Musharraf appointed new members to the Cabinet, as well as new governors to all four provinces.

The Musharraf Government pledged to return the country to a democracy; however, General Musharraf stressed his priority to build first a strong economic and political foundation to avert another bout of "sham" democracy. General Musharraf pledged to abide by a May 12 Supreme Court ruling that mandates that national elections be held no later than 90 days after October 12, 2002. The Government established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections. It is unclear whether or not the NRB has the institutional capacity to meet its mandate within the established deadline.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. On January 25, General Musharraf ordered all of the justices in the country to swear to uphold his PCO (see Section 1.e.).

The Musharraf regime did not ban political parties, and the parties active prior to the coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued their activities. However, the Government arrested hundreds of persons in opposition political parties during the year (see Sections 1.d. and 2.b.). On March 15, General Musharraf issued an ordinance banning all political gatherings held outdoors (see Section 2.b.). The National Accountability Ordinance prohibits those convicted of corruption under the NAB from holding political office for 21 years (see Section 1.d.). On August 11, the Government amended the Political Parties Act to automatically disqualify anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAB, the fact that NAB chairmen have all been members of the military, and the presumption of guilt in accountability cases.

National elections for national and provincial assemblies last were held in February 1997. Election observers concluded that the elections generally were free and

fair. Nawaz Sharif's Pakistan Muslim League won a majority of seats and formed a government.

Elections for local government bodies were held in Punjab in May 1998. Elections were held in Baluchistan in March 1999 and a chairman was named in August. Elections have not been held in the two other provinces, NWFP and Sindh, since 1993, when these bodies were dissolved by a caretaker government because of corruption charges. Local government elections were postponed indefinitely in the NWFP and Sindh. Sindh was under Governor's rule from November 1998 until the October 1999 coup. In October 1999, Musharraf suspended the local and provincial governments; the provinces are ruled by governors appointed by General Musharraf. During the year, Musharraf focused on the perceived need to devolve power to the local level in order to reduce the power of the central Government. In March General Musharraf presented his plan for devolution and political restructuring at the local level. According to this plan, non-party based local elections were scheduled to be held from December through August 2001. On December 31, there were elections in 18 districts of the country. According to local and international election observers, the elections generally were free and fair. Religious minorities boycotted the polls. Directly elected union councilors are to select a chief mayor and members of district council. Critics of the plan claim that it is merely an attempt to dissipate pressure for a return to democracy at the national level. On June 7, the Government announced a number of measures designed to make the electoral commission independent of government control, including granting the commission full financial autonomy.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—is not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the suspended Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue. In May 1999, the Supreme Court directed the Government to act within 6 months to give the northern areas an elected government with an independent judiciary. In November 1999, the Musharraf regime permitted previously scheduled elections to take place in the northern areas; independents and candidates from the PML, the PPP, and the Tehrik-e-Jafria Pakistan won seats.

The right of citizens to change their government also has been hampered at the provincial level by the Government's failure to release the 1998 census figures and by the likely underestimation of the population of Sindh. Held after a delay of 7 years, the national census was postponed repeatedly due to pressure from ethnic groups and provincial officials who feared diminished representation and access to federal funds. The 9.26 million census figure for Karachi, revised to 9.8 million in a February report, is estimated to be 3 to 5 million short of the actual figure.

Although women participate in Government, and former prime minister Benazir Bhutto is a prominent opposition figure, women are underrepresented in political life at all levels. Six women held seats in the 217-member National Assembly, up from 4 seats in the previous Parliament. Thirty-five women, more than ever before, campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. The Musharraf Government announced in August that one-third of the seats in the upcoming local council elections would be reserved for female candidates; some political activists doubt that there would be enough female candidates in certain remote areas of the country to fulfill this requirement. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In 1997 only 37 out of 6,600 female registered voters actually cast ballots in Jamrud in the Khyber Agency due to pronouncements that voting by women was un-Islamic. General Musharraf appointed a woman to his National Security Council and three women to his Cabinet. Provincial governors appointed by General Musharraf also have named women to serve in provincial cabinets.

Minorities are underrepresented in Government and politics. Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. The Musharraf regime abandoned a plan to abolish the separate electorate system due to pressure by some Muslim political groups. With separate electorates, representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that separate electorates are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are completely unrepresented. In the National Assembly, Christians hold four reserved seats; Hindus and members of scheduled castes an-

other four; Ahmadis one; and Sikhs, Buddhists, Parsis, and other non-Muslims one (see Section 2.c.). Each of the four categories is maintained on a separate electorate roll, and minorities cannot cast votes for the Muslim constituency seats. Under Article 106 of the suspended Constitution, minorities also had reserved seats in the provincial assemblies. The 1997 general election report states that each Christian National Assembly member represents 327,606 persons; each Hindu and scheduled castes member, 319,029; the Sikh, Buddhist, Parsi, and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understate the population of most of the minority groups because they are based on 1981 census figures. By year's end, the 1998 census figures for religious minorities had not been published. According to a local magazine, there are approximately 3 million Christians, 2.7 million Hindus, and several hundred thousand Ahmadis in the country.

Tribal people are underrepresented in government and politics. The 1997 elections for the eight National Assembly members from the FATA were, for the first time, conducted on the basis of universal adult franchise. Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central Government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party and political party rallies were not allowed. However, several political parties did campaign covertly. Tribal people, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day, far fewer registered women than registered men actually voted.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups generally are free to operate without government restriction; however, they are required to be licensed. Human rights groups report that they generally have good access to police stations and prisons. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. These threats became more explicit and public in 1998, with signed graffiti calling for the killing of well-known human rights activist Asma Jahangir.

The Musharraf Government made some attempts to ease some of the previous government's restrictions on NGO's; the Sharif Government revoked the licenses of almost 2,000 NGO's in 1999. General Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet and many NGO workers reported a smoother working relationship with the Government during the period covered by this report. The new government in Punjab under General Musharraf lifted the previous ban on NGO registration (see Section 2.b.).

International human rights observers are permitted to visit the country and travel freely. Several international organizations, many focused on refugee relief, maintain permanent offices in the country, although some report difficulty in securing visas for their foreign staff.

The Ministry of Human Rights, established in 1995, is now a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. Some 125 employees staff the department, which is headquartered in Islamabad and has four regional offices. The department has set up a "fund for women in distress and detention" and a "relief and revolving fund" for victims of human rights violations. Because of its limited budget, the department operates primarily on a case-by-case basis but seeks help from donor agencies for projects to build institutional capacity and human rights awareness. The department finalized and began limited implementation of a reform program for jails. However, the department is not viewed as effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

In April the Government organized a conference on human rights and pledged to take "small but meaningful steps" including: an 8-month public relations campaign on human rights themes; requiring deputy commissioners to move female burn victims to hospitals (see Section 5); banning the use of fetters in prisons and jails (see Section 1.c.); ordering deputy commissioners to review all blasphemy cases prior to the filing of a FIR (see Section 1.d.); creating a commission for police reforms; releasing 20,000 prisoners from jail; calling for a Commission on the Status of Women; and changing the law so that women married to foreign husbands can claim citizenship for their children. The Government subsequently took no apparent steps to organize the public relations campaign and backtracked on having deputy commis-

sioners review blasphemy cases (see Sections 1.e. and 2.c.). The Government made limited progress in the following areas: the Lahore High Court ordered local jail authorities to remove all fetters (see Section 1.d.); the Government reportedly released 47,000 prisoners who were convicted of petty crimes and that already had served their prison terms; the Government inaugurated a National Commission on the Status of Women on September 1; and in late April President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (see Section 5).

On July 23, several clergy in the NWFP shot at a female NGO worker's home and ransacked her NGO-sponsored medical camp.

*Section 5. Race, Sex, Religion, Disability, Language, or Social Status*

The suspended Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there is significant discrimination based on these factors.

*Women.*—Domestic violence is a widespread and serious problem. Human rights groups estimate that anywhere from 70 to 90 percent of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. The Progressive Women's Organization reported in 1999 that every one of two women is the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported that violence against women "has been described as the most pervasive violation of human rights" in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands are known to kill their wives even for trivial offenses. In 1999 the Pakistan Peace Coalition surveyed 1,000 women in 10 communities in rural Punjab; 82 percent of the respondents reported that they feared violence from their husbands over trivial matters. While abusers may be charged with assault, cases rarely are filed. Police usually return battered women to their abusive family members. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also are reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which are rarely invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim is a direct lineal descendant of the perpetrator. Police and judges tend to see domestic violence as a family problem, and are reluctant to take action in such cases. Thus, it is difficult for women to obtain relief from the justice system in cases of domestic violence.

The Shirkat Gah Women's Resource Center in Karachi published a report in 1999 that summarized reports in the English language press about violence against women between 1993 and 1998. Even though it limited itself to reports of violence by close male relatives, Shirkat Gah documented 535 women who were killed or who committed suicide during the period; 95 of these women were killed or committed suicide after they expressed interest in marrying a man of their own choice.

During the year, the press reported on hundreds of incidents of violence against women, and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During the year, 593 burn cases were recorded in Lahore newspapers; cases were registered in 74 percent but suspects were arrested in only 10 percent. Human rights monitors assert that many cases are not reported by hospitals and that, even when they are, the police are reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" are in fact killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women. The Government has failed to take action in honor killing cases, particularly when influential families are involved. By year's end, there was no progress in the 1998 case of Shahnaz, who died after her husband poured gasoline on her and set her on fire. The police registered a case against her husband and three in-laws. The case remained pending.

A crisis center for women in distress was opened in 1997 in Islamabad. The center, the first of its kind in the country, is an initiative of the Ministry of Women's Development with the assistance of local NGO's. The center offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists, and a hotline for women in distress. During the year, the crisis center served 75 women. A second crisis center in Vehari, in southern Punjab, opened during the year.

Rape is an extensive problem. The HRCP estimates that at least eight women, five of them minors, are raped every day, and more than two-thirds of those are gang-raped. In 1997 the National Assembly passed a law that provided for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low because rape, and gang rape in particular, is commonly used by landlords and criminal bosses to humiliate and terrorize local residents. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (see Section 1.c.). According to a police official, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there is a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—is public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence are followed. Hadd punishments are mandatory if evidentiary requirements are met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments, therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements are not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases are tried at this level. Under Tazir, a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the 20 years the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Musharraf Government has brought fewer charges against women under the Hudood Ordinance than in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. However, even in cases where a woman wishes to bring rape charges, she may have trouble bringing her attacker to justice. According to Amnesty International, men accused of rape sometimes are acquitted and released, while their victims are held on adultery charges.

According to Human Rights Watch, women face difficulty at every level of the judicial system in bringing rape cases. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and to what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending towards a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly are reluctant to convict; however, if there is some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). Human Rights Watch also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that they are trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are physically or verbally abusive during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently are harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes to get the complainant to drop a case, and sometimes request bribes to carry it forward. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one. The Parliamentary Commission of Inquiry for Women criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed asserting that they are based on an erroneous interpretation

of Shari'a (see Section 1.c.). The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. The Commission found that the main victims of the Hudood Ordinances are poor women who are unable to defend themselves against slanderous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. At year's end, 511 women were awaiting trial for adultery under the Hudood Ordinance in Lahore; 400 in Peshawar; and 300 in Mardan (see Section 1.e.).

Marital rape is not a crime. The 1979 Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

There are numerous reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously and those who are arrested often are acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations in so-called "honor killings", in order to restore tribal or family honor, applies equally to offending men and women, women are far more likely to be killed than men. The Progressive Women's Organization, a human rights NGO, estimated that as many as 300 women are killed each year by their husbands or family, mostly as a result of "honor killings," known as "karo/kari" in Sindh. The problem is believed to be even more extensive in rural Sindh. "Karo/kari" (or adulterer/adulteress) killings are common in rural Sindh and Baluchistan. The HRCP reported an average of 30 killings per month for the first half of the year. Tribal custom among the Baluch and the Pathans also sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who are the victims of rape may become the victims of their families' vengeance against the victims' "defilement." On June 1, Nazir Ahmad killed his wife, Yasmin, and a family friend, Nasir Farooq, on suspicion that the two were conducting an extramarital relationship. On December 12, Khalida was killed by her uncle and other relatives who accused her of having illicit relations with Momin Gorchani. Khalida's relatives also injured Momin's father and another one of his relatives. Police arrested one person in connection with the murder. AI also reported that if an accused adulteress is killed, and the adulterer manages to escape this fate, he may be required under the karo/kari tradition to compensate the family of the accused adulteress; sometimes, a woman from the adulterer's family is given compensation to repair the honor of the adulteress' family.

Trafficking in women also is a significant problem (see Section 6.f.).

There are significant barriers to the advancement of women beginning at birth. In general female children are less valued and cared for than are male children. According to a UN study, girls receive less nourishment, health care, and education than do boys. In February Dr. Sher Shah Syed, of the Pakistan National Forum on Women's Health in Karachi, reported that the maternal mortality rate is 600 per 100,000 pregnancies; this figure contradicts the Government's figure of 300 per 100,000 pregnancies. At Karachi's civil hospital, the maternal mortality rate was 2,257 per 100,000 in 1999. According to a 1996 report by the Islamabad-based human development center, only 16 women are economically active for every 100 men.

Discrimination against women is particularly acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates are 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school, and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions are much worse, with only 2 percent of the province's women having received any formal education. Education activists have noted that many parents

would like to educate their daughters; however, many parents reportedly choose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is more readily accepted.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of them, and often the laws are not observed. The Parliamentary Commission of Inquiry for Women has recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also has called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or the age of 16 for females. However, the legal system is so complicated and lengthy that it can take years for the children to get maintenance.

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due. In rural areas, the practice of a woman “marrying the Koran” still is widely accepted if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman “married to the Koran” is forbidden to have any contact with males over 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian—usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom is violated, especially across ethnic lines, violence against the couple may result, and the authorities generally fail to prosecute such cases vigorously.

Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (see Section 2.c.).

The value of women's testimony is not equal to that of a man's in certain court cases (see Section 1.e.).

In December speakers at a seminar stated that large numbers of working women face discrimination and sexual harassment. Women routinely are denied equal opportunities for promotion, pay, and benefits. Additionally women in some sectors are denied days off and overtime benefits.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless, an increasing number of women are entering the commercial and public sectors.

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

The Government took several positive steps to improve the status of women during the year. For example, in April President Tarar issued an amendment ordinance to the citizenship law, which enables women who are married to foreign husbands to claim citizenship for their children. In September the Government inaugurated a National Commission on the Status of Women (see Section 4). The Commission was established in order to advise the Government on policies directly affecting women; however, the Commission lacks the authority to ensure that its recommendations are implemented.

*Children.*—The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. In Sindh province, the number of students enrolled in primary education rose from 2.1 million to 2.6 million between 1992 and 1998, an increase of approximately 6 percent. During this period, an average population growth rate of 3 percent would have added 20 percent to the number of primary school age children. Even in relatively prosperous Karachi, enrollment figures are low. M.I. Memon, the

late head of the Board of Intermediate and Secondary Education in Karachi, estimated in 1998 that only 1.1 million of Karachi's school-age children actually were attending school: 500,000 in the public schools; 500,000 in private schools; and 100,000 in madrassahs (Islamic religious schools). Since the lowest estimate of school-age children in Karachi—the wealthiest and most developed city in the country—is 4 million, it would appear that no more than 27.5 percent of school age children are attending school. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education and inefficient and corrupt federal and provincial bureaucracies. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams. On March 30, candidates for civil engineering degrees received results of the 1996 annual examinations. In 1999 one member of the Prime Minister's education task force estimated that up to 50 percent of the education budget is "pilfered."

Information about progress in educating girls is contradictory. A recent survey found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but was considerably higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75 percent are difficult to account for. In all of Sindh province, a 14 percent jump in the number of girls in Sindh's primary schools in the 1992-1998 period placed female enrollment in 1998 at only 35 percent. Similarly the female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it is just over half that of males. However, an Oxfam report released in March 1999 stated that the proportion of girls enrolled in school fell by 10 percent in the first half of the 1990's and one doctor claimed in a February press report that the average time girls spend in school nationwide is 0.7 years.

The Government announced a new education policy in March 1998, which dealt mostly with the construction of new schools but that also included provisions for increased Islamic instruction in public schools. Education is a provincial responsibility. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. A comprehensive survey was performed to identify school buildings that were being misused as well as the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began, and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGO's to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffer a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, over 70 percent of deaths between birth and the age of five are caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, avoidance of responsibility, false data, and lack of cooperation among agencies. The problems associated with polio are illustrative. According to the World Health Organization (WHO), in 1997 91 percent of confirmed polio cases in the eastern Mediterranean region were in Pakistan (1,147). The WHO and the Center for Disease Control reported in 1999 that the full (three-dose) course of oral polio vaccine has been given to only 57 percent of children in Punjab, 50 percent in the NWFP, 42 percent in Sindh, and 22 percent in Baluchistan. However, even the high number of reported polio cases may be too low, and the reported protection rate may be too high. Public health professors at a Karachi medical school report that vaccines frequently are degraded by poor storage, and that vaccination rates are inflated. In 1999 the English-language newspaper Dawn reported that doctors in Sindh had persuaded the Sindh health department to order a halt to the reporting of polio cases. Doctors are required by law to vaccinate all children under 5 years old within a 1.2 mile range (3 miles in rural areas); however, they reportedly have taken steps to avoid the responsibility. Although the Government has undertaken six national immunization days since 1994, a Center for Disease Control official who observed a 1999 polio immunization campaign in Quetta, the capital of Baluchistan, reported that vaccination teams had no maps, census data, or plans. The International Labor Organization (ILO) reports that 8 percent of children suffer from

iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children are born iodine-deficient, resulting in high rates of mental retardation. During the year, the Government conducted a well-publicized campaign to encourage polio vaccinations; however, there were no statistics available on the number of children who were vaccinated.

Many children begin working at a very early age (see Section 6.d.). At the age of 5 or 6, many female children assume responsibility for younger siblings.

Trafficking in children is a problem (see Section 6.f.).

Children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). On September 11, an anti-terrorist court in Karachi convicted five men for kidnaping the 15-year-old son of a businessman in January; three of the five defendants were sentenced to death. In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape and the s are common. A 1996 survey conducted in Punjab showed that 40 percent of reported rape victims were minors, with the youngest victim in the study only 8 years old. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused sexually. Sexual abuse of boys is more common in segments of society where women and girls traditionally remain within the home. An HRCP study in the NWFP found 723 cases of sexual abuse of boys and 635 of girls during the first half of 1998. A newspaper reported that there were 1,025 incidents of sexual abuse of children between January and September; in the majority of cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province during the year. At a May conference in Karachi on trafficking in women, speakers claimed that over 15,000 child sex workers were operating in Lahore and other cities. Child prostitution involving boys and girls is widely known to exist but rarely is discussed. All forms of prostitution are illegal and a person who abducts a child under the age of 10 and commits sexual assault may be sentenced to the death penalty. The Shabab-i-Milli, the youth wing of the Jamaat Islami party, launched a campaign in May to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored," and called for a public education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

In the aftermath of a September prison riot in Hyderabad (see Section 1.c.), military personnel discovered that adult prisoners abused sexually about 50 imprisoned minors. The Government did not take action against prison officials for permitting the abuse by year's end.

Children's rights theoretically are protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws. There are two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. There is only one jail in each province for convicted prisoners under 21 years of age, and children frequently are incarcerated along with the general prison population, sharing prison conditions that are extremely poor (see Section 1.c.). Many children in prison were born to female inmates who were sexually abused by prison guards. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults essentially are treated equally. According to a local NGO, an estimated 4,200 children were held in the nation's prisons at year's end, some as young as 8 years old, compared with 4,000 in 1999. Imprisoned children often spend long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as adults are (see Section 1.e.). Peshawar's jail in 1998 contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. According to some estimates, there are 900 children in Karachi's central jail, in a space meant to house 300; these children are 18 and under. Human Rights Watch reports that children frequently are beaten and even tortured while in detention; usually this is done to extract confessions, but it is done also to punish or intimidate child detainees or to extort payment from their families for their release (see Section 1.c.). Sexual abuse of child detainees by police or guards is reportedly a problem as well (see Section 1.c.).

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly are poor, similar to those found in jails. Abuse and torture of the children in such institutions is a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often are inadequate; however, during the year, an NGO in Karachi started a school for the approximately 1 dozen children forced to live in a Karachi women's prison. Extortion on the part of the staff at such institutions is reportedly widespread; parents of inmates often are required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also is a problem; some children reportedly have developed drug habits while in these institutions, and are supplied by their guards.

On July 1, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, guarantees that the Government will provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys is widely believed to occur at some madrassahs.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

*People with Disabilities.*—There are no laws requiring equal accessibility to public buildings for disabled persons. The vast majority of physically and mentally disabled persons are cared for by their families. However, in some cases these individuals are forced into begging, while organized criminal "beggarmasters" skim off much of the proceeds. Parents reportedly have given children as offering to Baba Shah Dola, a shrine in Punjab where the children reportedly intentionally are deformed by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified disabled persons. Organizations that do not wish to hire disabled persons can instead give a certain amount of money to the government treasury, which goes into a fund for the disabled. This obligation rarely is enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and are not segregated from the general prison population (see Section 1.c.).

*Religious Minorities.*—Government authorities afford religious minorities fewer protections than are afforded to Sunni Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

Sectarian violence between Sunni and Shi'a Muslims continued to be a serious problem throughout the country (see Section 2.c.). In Punjab in particular, a deadly pattern of Sunni-Shi'a violence in which extremists killed persons because of their membership in rival sectarian organizations, or simply for their religious identification, continued; however, there were fewer deaths during the year as compared to previous years. Anti-terrorist courts handed down convictions against several individuals accused of sectarian violence during the year; however, government authorities did not detain suspects in many other cases of sectarian violence. Several incidents of sectarian violence between rival Sunni and Shi'a groups occurred during Muharram in April, during which Shi'a Muslims mourn the deaths of the Prophet Mohammed's nephew Ali and his son Hussain. On April 7, a Shi'a lawyer and the secretary general of TJP, Syed Waqar Hussain, his son, and his driver were killed by unknown gunmen in Karachi; the assailants may have been members of the extremist SSP (see Section 1.a.). On April 12, in the worst incident of sectarian violence since the coup, unknown assailants attacked a Shi'a religious congregation in Mullaoli, Rawalpindi, with grenades and bullets, killing 19 persons and injuring 37 others (see Sections 1.a. and 1.c.). Police personnel arrested several Sunni Mus-

lms following the attack. On April 19, unknown gunmen killed TJP activist, Iqbal Hussain in Multan. On April 26, unknown assailants killed TJP activist, Syed Farrukh Birjis Haider and his personal aide in Khanewal. On April 28, unknown gunmen killed local Shi'a leader Hakeem Syed Shahbaz Hussain Sherazi in Chishtian. On May 2, unidentified assailants killed a Shi'a doctor, his pharmaceutical dispenser, and a patient in the doctor's Karachi office. The next day, unknown assailants killed Shi'a lawyer, Malik Ibrar Hussain in Toba Tek Singh, Punjab. On May 15, unknown assailants killed Shi'a lawyer Syed Sardar Hussain Jafri. Unknown assailants also killed Qudratullah Cheema, the chief of the Ahmadi community of Khanpur. On May 19, unknown assailants killed eminent Sunni cleric Maulana Yousuf Ludhianvi and Abdur Rehman, a teacher at the Sunni Banuri town religious school in Karachi; following these murders, hundreds of Sunni Muslims rioted in Karachi and torched a newspaper office, a movie theater, and a bank (see Section 2.c.).

Ahmadis often are targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble (see Section 2.c.).

On October 30, 2 assailants opened fire on an Ahmadi mosque in Ghatialian in Sialkot district, killing 4 Ahmadis and 1 Sunni Muslim. Three suspects were arrested; however, no formal charges were filed by year's end. On November 10, a mob composed of the cleric's followers killed five Ahmadis in Takht Hazara, Sarghoda district following a scuffle between a group of Ahmadis and a Sunni Muslim cleric. Police detained 25 persons for questioning and imprisoned 13 others in connection with the killings; however, no charges were filed against any of the suspects by year's end (see Section 2.c.).

On July 15, in response to pressure from some Muslim groups, the Government incorporated the Islamic provisions of the suspended Constitution into the Provisional Constitutional Order, including the clause declaring Ahmadis to be non-Muslims. Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service (see Section 2.c.). Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government generally is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis complain of their difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadis (see Section 2.c.), particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using standard Muslim salutations and for naming their children Mohammed.

Other religious minority groups also experience considerable discrimination in employment and education. In the country's early years, minorities were able to rise to the senior ranks of the military and civil service. Today many are unable to rise above mid-level ranks. Discrimination in employment reportedly is common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians are overrepresented in Pakistan's most oppressed social group—that of bonded laborers. Like Ahmadis many Christians complain about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continue to express fear of forced marriages between Muslim males and Christian women, although the practice is relatively rare. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities (see Section 2.c.). According to the HRCF, in January intruders broke into a church in Sialkot and desecrated religious literature. On March 12, men broke into the Lourdes Convent and attacked Sister Christine, a 78-year-old nun; she died in a nearby hospital a few days later. According to the Christian Liberation Front (CLF), an NGO, the perpetrators of the attack were Muslims who previously had accused Sister Christine of proselytizing. Police officials did not arrest anyone in connection with this attack. In May five masked men stopped a factory bus in Ferozwala on which female factory employees were traveling and raped six to eight Christian girls who were passengers; the assailants re-

portedly spared the two Muslim passengers on the bus. Initially police officials urged the girls to report that they were robbed, not raped; however, when the CLF complained to government officials, the officials immediately registered the cases as rape cases, arrested three suspects, and promised to investigate police behavior. The suspects were charged under the Hudood Ordinances and were scheduled to stand trial in September. One of the suspects was released for lack of evidence; however the other two cases had not been tried by year's end.

There are restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

Although there are few Jewish citizens, anti-Semitic sentiments appear to be widespread, and anti-Semitic and anti-Zionist press articles are common.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Industrial Relations Ordinance of 1969 (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. The Essential Services Maintenance Act of 1952 (ESMA) covers the state administration, government services, and state enterprises like oil and gas production, electricity generation and transmission, the state-owned airline, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every six months, on the limits of union activity. There is no provision allowing agricultural workers or teachers to unionize as they are not defined as "an industry." A presidential ordinance in 1998 banned all union activity in the water and power development authority (employing 130,000 workers) for 2 years. Following a 3-day conference on employment protection, human resource development, and industrial relations sponsored by the Musharraf Government and the ILO in May, the Government on July 17 passed an ordinance permitting water and power workers to engage in "responsible trade unionism."

Other restrictions on union activities include the Anti-terrorist Ordinance of 1999 (ATO). The ATO codified the crime of a "terrorist act," which includes "an act of civil commotion." Such acts are punishable by imprisonment of 7 years to life, as well as fines. "Civil commotion" includes illegal strikes, go-slows, and lockouts. Under the original ordinance, those distributing, publishing, or pasting a handbill or making graffiti or wall-chalking "intended to create unrest" were subject to arrest. According to the ILO, this ordinance prevented leafleting, posters, or even word-of-mouth notices of public meetings. In late 1999, the ATO was amended to eliminate references to handbills, graffiti, or the intent to create civil commotion (see Sections 1.e and 2.b.). According to government estimates, union members make up about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claim that the number of union members is underestimated. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers who are willing to work on temporary contracts with fewer benefits and no job security.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. Strikes are rare. When they occur, they usually are illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes. In May and June, there were strikes by small and large businessmen throughout the country to protest the Government's efforts to collect taxes. In May there was a 3-day strike by religious leaders against General Musharraf's proposed modification of the blasphemy law (see Section 2.b.).

Unions may belong to federations, and there are eight major federations. The Government permits trade unions across the political spectrum. While many unions remain aloof from politics, some are associated with political parties. Unions associated with opposition parties are allowed to carry on their activities freely.

In 1997 the Cabinet passed an amendment to the IRO which states that: 1) only employees of the represented industry can hold office in a trade union; and 2) if trade unions form a federation, the federation cannot bargain with individual employers; each component union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bar-

gaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. Late in 1997, the Prime Minister announced the Government's new investment policy, under which, in order to improve working relations among employees and employers, trade union activity would be industry-based and not factory-based. The new policy also decrees that, in order to check the growth of trade unions, unions receiving less than 20 percent of the votes in a referendum are to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements of the investment policy.

The ILO has stated repeatedly that current law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity with respect to teachers, radio, television, railway, forestry, hospital, banking, and other Government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a Government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the ILO's conventions. However, no legislative remedies have been applied.

In 1994 a government task force on labor recommended improvements on worker rights problems, which formed the basis for the development of a new government labor policy. The Government has not approved the new policy; however, it has implemented two components of the proposed policy: 1) improvements in the workers' welfare fund; and 2) increases in social security benefits for workers. Federations are free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked generalized system of preferences (GSP) trade benefits in 1996 for failure to make progress on worker rights issues.

*b. The Right to Organize and Bargain Collectively.*—The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. The IRO prohibits antiunion discrimination by employers. Under the law, private employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers, because workers usually do not pursue redress through the courts due to the fact that the legal system is normally slow, prohibitively expensive, and sometimes corrupt. In general, legal unions have the right to bargain collectively. However, the many restrictions on forming unions (see Section 6.a.) preclude collective bargaining by large sections of the labor force like agricultural workers who are not provided with the right to strike, bargain collectively, or make demands on employers. The National Bank of Pakistan Employees Union filed suit against the Government for implementing a banking companies ordinance that prohibited union activities in banks during working hours and allowed only current bank employees to serve as bank trade union officials. Labor unions report that workers are given artificial promotions (such as a new title with no salary increase) to make them ineligible for union membership. This practice is prevalent in the financial sector, particularly among foreign banks.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA (see Section 6.a.), the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

The boards are established at the provincial level and are composed of representatives from industry, labor, and the provincial labor ministry, which provides the chairman. Despite the presence of labor representatives, unions generally are dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed under the ESMA. Dismissed workers have no recourse to the labor courts.

The ESMA exempts export promotion zones (EPZ's) from the IRO's granting of workers the right to form trade unions. There is only one EPZ, in Karachi, with nearly 6,000 employees, according to government sources. In 1996 the Cabinet decided to withdraw these exemptions beginning in January 2000. However, the Government has stated that it will honor agreements with investors regarding the exemptions, making it unlikely that the EPZ's exemption will be lifted before 2001.

*c. Prohibition of Forced or Compulsory Labor.*—The suspended Constitution and the law prohibited forced labor, including forced labor by children; however, the Government does not enforce these prohibitions effectively. Critics argue that the ESMA's limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO has objected to this violation of Convention 29. The Government has responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited

these services to a few core areas like electricity generation and distribution, and air and sea ports.

There is a reasonable basis to believe that handmade bricks and hand-woven wool carpets are produced with forced or indentured child labor. Illegal bonded labor is widespread. It is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. A 1998 study by a trade federation reported that over 200,000 families work in debt slavery in the brick kiln industry and there are reports that this figure has grown with the arrival of Afghan refugees to the country. The Bonded Labor Liberation Front (BLLF) is an NGO that advocates for the rights of bonded laborers and provides a safe haven and educational and vocational training for those who have escaped their bondage. The BLLF states that it freed 820 bonded brick kiln workers (including 351 children) in 1999. There is no evidence that bonded labor is used in the production of export items like sporting goods and surgical equipment. However, bonded labor reportedly is used in the production of carpets for export under the peshgi system, by which a worker is advanced money and raw materials for a carpet he promises to complete. Many workers do not realize the extent of their exploitation. The lack of education among bonded laborers deprives them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. Although police do arrest violators of the law against bonded labor, many of these individuals bribe the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputes that peshgi workers are "bonded" or "forced" laborers and argues that they are "contract laborers" who negotiate a salary advance in a free and open market.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh (see Section 1.d.).

The suspended Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

The Bonded Labor System (Abolition) Act of 1992 outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to \$900 (PRs 50,000) in fines. However, the provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Furthermore the law is written in English and is frequently incomprehensible to persons it is intended to protect. Hence the law is ineffective. Lacking employment alternatives, many workers who have been freed end up returning to bonded labor. In April General Musharraf announced that approximately \$1,700,000 (PRs 100,000,000) have been designated to fight bonded labor. However, these funds were not allocated by year's end.

There are reports that children in juvenile detention facilities are required to work. Children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail reportedly are involved in woodcrafts and television repairs (see Section 6.d.). Verifying these reports is difficult because of limited outside access to the jail.

Trafficking in children is a problem (see Section 6.f.).

Children sometimes are kidnaped to be used for forced labor. According to 1996 ILO estimates, 3.3 million children between the ages of 5 and 14 years (about 8 percent of this population group) are "economically active." Of these, about two-thirds work in agriculture. Seventy percent of the working children have the status of "unpaid family helpers." Many observers believe that the ILO estimates understate the true dimensions of the problem. Observers also believe that the incidence of bonded labor among such children is significant, but there are no reliable figures available on this. Some boys, usually between the ages of 6 and 9, are taken to countries in the Persian Gulf to serve as camel jockeys (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The suspended Constitution prohibited the employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act of 1991, whose provisions were extended by the President in 1998 to the FATA, prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$335 (PRs 20,000) or 1 year in prison. The Government acknowledges that child labor is a problem. The

Constitution prohibits forced labor, including forced labor performed by children; however, forced and bonded labor by children is common (see Section 6.c.).

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs (see Section 6.c.).

In 1996 the Government announced the results of its first comprehensive child labor survey conducted with the assistance of the ILO's International Program for the Elimination of Child Labor (ILO-IPEC). According to the survey, 8.3 percent (or between 3.3 and 3.6 million) of children between the ages of 5 and 14 worked. The child labor force was predominately male (73 percent) and rural (71 percent). About 60 percent of child labor in the country occurred in Punjab. Some 45.8 percent of child laborers worked 35 hours or more per week and 12.6 percent worked 56 hours or more. The majority (67 percent) of child laborers worked in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector, 9 percent in wholesale and retail, and 8 percent in social and personal services. In occupational terms, craft and related trade work accounted for about 19 percent of child laborers, while 71 percent worked in unskilled jobs. Only the Government and exporters regard the ILO survey as an accurate measurement of the incidence of child labor. Many observers believe that it understates the problem, and give higher estimates of as many as 20 million child laborers. A 1997 survey by the Pakistan Institute of Labor Education and Research indicated that in one-fourth of 187 Karachi households, the eldest child worker (below the age of 14) provided more than 40 percent of household income. A recent ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, which includes domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries rank third. The report also noted that when programs are developed to eliminate child labor in one industry, parents often shift their children to work in other industries. A survey conducted by the Human Rights Commission of Pakistan published in June 1999 noted that there are approximately 4,000 children working in auto workshops in the Mardan district of the NWFP. The report stated that most of the children were between the ages of 3 and 8. In a press conference in February, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the Federal Bureau of Statistics was scheduled to conduct a new survey in 2001 in over 30,000 households; this survey will include the agricultural sector and rural areas where the worst forms of child labor often occur.

Child labor, mostly female, is common in the carpet industry, much of which is family-run. Carpet manufacturers are working with ILO-IPEC to establish a program to eliminate child labor from the industry through monitoring and rehabilitation. Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 7,500 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry is 12. Children in the surgical instrument industry are prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been mirrored in the surgical instrument industry. Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed. In October Fayyaz Ahmad, a child worker in a textile mill died as a result of injuries he sustained when his clothing became entangled in machinery.

In 1997 soccer ball manufacturers, importers, the ILO, and UNICEF implemented an 18-month action plan (the Atlanta Agreement) to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitored the production of soccer balls at newly established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At year's end, there were 153 rehabilitation centers; however, an additional 70 centers are projected for the next 2 years. The project also sought to identify unemployed adults, particularly women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers, so the project began to establish small, home-based stitching centers in individual villages; by year's end, there were 358 home-based

centers and 146 larger centers for female stitchers. The ILO currently monitors over 1,200 stitching centers. Saga Sports, which also manufactures soccer balls, has built modern community-based facilities in 10 villages with a high percentage of family stitching operations. The facilities contain work space for stitchers as well as dining areas, child care centers, recreation areas, and medical clinics. Each facility also has its own water system, waste disposal system, generator for electricity, and transportation system. Meals, child care, medical services, and use of the facilities are provided gratis to workers and their families; use of non-production areas is allowed to all community members. These centers reportedly have created approximately 6,000 jobs, 400 to 500 of which are held by women. During the year, Saga Sports became the first industry in Sialkot to permit freedom of association. By year's end, over 6,000 children have been removed from employment in the soccer ball industry.

Under a memorandum of understanding with the Government, the International Program for the Elimination of Child Labor (ILO/IPEC) program in Pakistan is involved with other child labor projects. Projects in Sialkot include one in the surgical instruments industry and one in the non-formal (non-exporting) sectors. The ILO works with the Government, employers, workers, and NGO's to pursue the Government's policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-ul-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. In May the Government, in conjunction with the ILO, issued a national policy and action plan to combat child labor. Its three principal goals are: To immediately eradicate the worst forms of child labor, to progressively eliminate all remaining forms of child labor, and to ensure at least a primary education and vocational training for the targeted children. According to the plan, funding will be provided by the federal and provincial governments and "international donors;" however, no funds were allocated to implement this plan by year's end.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. However, enforcement of these laws remains a problem. There are few child labor inspectors in most districts, and the inspectors often have little training and insufficient resources. They reportedly also are subject to corruption. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in facilities smaller than this. Hundreds of convictions are obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of \$7 (PRs 364) in the NWFP to an average of \$140 (PRs 7,280) in Baluchistan—are not a significant deterrent. The 1991 Employment of Children Act allows for fines of up to \$350 (PRs 18,200). Penalties often are not imposed on those found to be violating child labor laws.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGO's, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and international organizations, operates 33 education centers for children known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of \$6 per month (PRs 300), plus a small daily stipend of about \$0.10 (PRs 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently do not remain there for more than 1 year; the schools often are in areas far from their clients, and some children reportedly are sent to the schools in order to qualify for the stipend. The Bunyad Literacy Community Council also runs schools focusing on children who work in the soccer ball and carpet industries; its programs aim to transition children out of working and into mainstream schooling. Other local NGO's, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

*e. Acceptable Conditions of Work.*—Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is \$35 (PRs 1,976) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The minimum wage usually is inadequate to provide a decent standard of living for a worker and family, since families tend to be large, including members of the extended family.

Federal law provides for a maximum work-week of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Many workers are unaware of their rights because of their lack of education.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a workers welfare fund. Employees earning more than \$52 (PRs 3,120) per month are not considered workers for the purpose of these benefits.

The provinces have been ineffective in enforcing labor regulations because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and its efforts to enforce existing legal protection are weak. Workers cannot remove themselves from dangerous working conditions without risking loss of employment. There is a serious lack of adherence to mine safety and health protocols. For example, mines often have only one opening for entry, egress, and ventilation.

*f. Trafficking in Persons.*—The law prohibits the trafficking of women under age 21 into the country for sexual purposes, as well as kidnaping and slavery; however, trafficking in persons, especially in women, is a significant problem. Trafficking in women is protected by powerful criminal interests and operates relatively openly. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the large numbers involved, only 88 cases have been registered in Sindh between 1990 and 1999. Of the 260 men and 110 women arrested, only 87 were charged and only 7 were sentenced.

Pakistan is a receiving country for thousands of trafficked women every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, and Afghan women also are trafficked into the country and some Pakistani women were trafficked overseas. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. Trafficking in women has occurred for decades; there are likely several hundred thousand trafficked women in the country. A Karachi-based NGO estimates that 100 to 150 women who are trafficked into the country each day from Bangladesh are sold for domestic labor throughout the country and for forced prostitution in Karachi. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab. Trafficking victims usually are deceived with false prospects of marriage or offers of legitimate jobs in Pakistan. They generally do not have legal residency, and, if arrested, end up in jail for violation of immigration laws or the Hudood ordinance. Without money to pay for bail, they often are bailed out by their pimps, who force them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters, but most do not because there are few such shelters available. Many women who are not bailed out are not repatriated; since they arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home.

Prices for trafficked women start at approximately \$550 (PRs 30,000) but can go as high as approximately \$5,000 (PRs 260,000). Physical beauty and educational level are major factors in determining prices. Some women sold in shops in Karachi reportedly are sent to Persian Gulf countries, where they are slaves; women sent to rural Pakistan reportedly are de facto slaves. Buyers in such shops reportedly purchase women for purposes of labor or sex; some are married to their buyers.

There are reports that Afghan and Bangladeshi girls are trafficked into the country for sexual purposes.

Young boys are trafficked from Pakistan to the Persian Gulf to work as camel jockeys; reports estimate that there are between several hundred and a few thousand boys between the ages of 4 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). The majority of these boys are sent to the Gulf countries by their parents, landless agricultural workers who receive a monthly sum of money for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, a significant minority of these children are abducted by traffickers in the country and sent abroad without the knowledge of their parents. The conditions such children live under often are poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or schooling, and when they become too old to race, they are sent back to the country and left to fend for themselves. In February the district

administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately \$400 (PRs 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. To date, there has been no report on the return of the boys. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently are abused by these landlords and held as bonded laborers for life.

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## SRI LANKA

Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Chandrika Kumaratunga, head of the governing People's Alliance (PA) coalition, won reelection in 1999 for a second 6-year presidential term in a process marked by voting irregularities and at least six election-related deaths. Violence and fraud marked the October parliamentary elections as well; at least seven persons were killed in campaign-related violence in the period prior to the October election, which resulted in a reduced majority for the PA for the next 6-year period. The Government respects constitutional provisions for an independent judiciary. Through its rulings, the judiciary continued to exhibit its independence and to uphold individual civil rights, although the Supreme Court Chief Justice, in an attempt to reduce the court's workload, limited the fundamental rights cases that the court examined, preventing some torture victims from obtaining redress.

For the past 17 years, the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organization fighting for a separate ethnic Tamil state in the north and east of the country. The conflict has claimed over 62,000 lives. In 1999 government forces took LTTE-controlled areas north and west of Vavuniya, but counterattacks starting in November 1999 erased most government gains. In January the LTTE began a buildup on the Jaffna peninsula and in April captured the important Elephant Pass military base. The clashes left large numbers of civilians dead or wounded and displaced more than 150,000 persons. Although the military halted the LTTE advance toward Jaffna in June, continuing clashes between the security forces and the LTTE killed several hundred more persons on both sides.

The Ministry of Defense controls all security forces (armed forces and police). The 60,000-member police force is responsible for internal security in most areas of the country, and it also has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The police paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and appears to direct various anti-LTTE Tamil militias, although at times these groups seemed to act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from tourism and the repatriated earnings of citizens employed abroad. The gross domestic product (GDP) per capita is approximately \$850. Real GDP growth was 4.3 percent in 1999; because of increased exports and a surge in remittances from citizens abroad, growth by year's end reached 6.1 percent. In 1997 the Government intensified efforts to promote economic reform and liberalization, including privatizing public sector enterprises and promoting foreign investment and trade. These steps continued during the year, although privatization slowed due to the unsettled situation in the country.

The Government generally respected the human rights of its citizens in areas not affected by the insurgency, but there are serious problems in some areas, and the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by both sides of the conflict. Security forces committed numerous extrajudicial killings. In the past, security forces almost certainly killed prisoners captured on the battlefield; however, there were no reports of this abuse during the year. The military and police reportedly tortured detainees, and one person died in

police custody. In addition nine individuals reportedly disappeared from security force custody in Vavuniya and in the east. In the past, persons also have disappeared or have been killed after last being seen near the army's forward defense lines in the north, areas that civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear, and with the many military offensives and forward defense line changes throughout the years, the risk to civilians remained high. The military took some measures to limit civilian casualties during operations, although more than 100 civilians died, with hundreds more injured, as a result of military-LTTE clashes. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests (including short-term mass arrests and detentions) continued, often accompanied by failure of the security forces to comply with legal protections. New Emergency Regulations (ER) published in May further eroded due process protections. Impunity for those responsible for human rights abuses also remained a serious problem. Little progress was made in resolving many cases of extrajudicial killing or disappearance. In most cases, there was no investigation or prosecution, giving the appearance of impunity for those responsible for human rights violations. The Government infringed on citizens' privacy rights and restricted freedom of the press. The Government continued to engage in censorship of domestic newspaper reporting and some foreign television broadcasts on military and security operations during the year, implementing stringent censorship regulations and shutting down newspapers critical of the Government. On occasion in previous years, security forces harassed journalists; however, there were no reports of such harassment during the year. Serious restrictions remained on freedom of movement, especially from Vavuniya to Colombo and the southern part of the country generally. Violence and discrimination against women, child prostitution, child labor, and discrimination against the disabled continued to be problems. There is some discrimination and occasional violence against religious minorities, and there is institutionalized ethnic discrimination against Tamils. Trafficking in women and children for the purpose of forced labor occurs, and a significant number of male children are trafficked into prostitution for foreign pedophiles.

In March the Government named five commissioners including a new chairman for the National Human Rights Commission (HRC), which has 11 offices around the country; however, human rights observers believed the HRC was not pursuing its mandate aggressively due to poor leadership. Rights activists expressed some satisfaction with the new leadership. The Committee to Inquire into Undue Arrest and Harassment (CIUAH) continued to assist those alleging abuse at the hands of the military and police. Human rights groups state that the committee is somewhat effective; however, critics believe that the committee's services have not been advertised widely, and they question its continued viability. In November the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses referred by the Supreme Court, U.N. organs, or international human rights organizations. The Government in November also established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General, to prosecute torture cases. In March authorities arrested five suspects and issued an arrest warrant for another, in connection with the mass graves in Chemmani exhumed in 1999. Several of those arrested received bail. The case has not yet come to trial, and it was still pending at year's end.

The Government did not attempt, as in the past, to use the ER to cover up security force misdeeds; however, the Government arrested one person under the Prevention of Terrorism Act (PTA) to stifle competition with the state telecommunications monopoly. The Government captured or accepted the surrender of at least two LTTE cadres throughout the year (it is widely believed that many LTTE cadres committed suicide to avoid capture). The Government also continued to provide relief to those displaced by the conflict although many were still in areas under LTTE control such as the Vanni. However, government restrictions on medical supplies and a significant reduction in food rations contributed to poor health conditions for civilians in the Vanni. The Attorney General's office continued to indict security force personnel (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP), who were implicated in the 1997 reports of three regional commissions that documented the disappearance of more than 16,000 persons from 1988 to 1994. These persons disappeared after being removed forcibly by security force personnel and others. The Attorney General referred 348 files for action by the courts, involving 583 security force personnel and resulting in 4 convictions of 88 members of the police and military. A fourth commission, which was established in May 1998 to investigate the 10,000 cases of disappearance that the first 3 commissions could not investigate be-

fore their mandates expired, sent a report to the President on August 31 to assist in further investigations and possible indictments.

There are several former Tamil insurgent organizations currently aligned with the Government. These progovernment Tamil militants, who are armed and at times appear to be directed by the security forces, sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion, and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. Both PLOTE and the Tamil Eelam Liberation Organization (TELO) supposedly were disarmed by the Government in Vavuniya after a May 1999 exchange of gunfire between the groups in Colombo.

The LTTE continued to attack civilians. The LTTE continued to commit serious human rights abuses in the ongoing war with the Government. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefield, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. At least 170 noncombatants were killed from January through September in LTTE suicide bombings and other attacks outside of the northern conflict zone. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of the local government bodies in Jaffna whose members were elected in free and fair elections in January 1998. In addition the LTTE warned Tamil politicians in the east to discontinue their political activities during part of the year; however, they later lifted their ban on such activity for some politicians.

Although it released four prisoners in February and another in June, the LTTE refused to free remaining military personnel and civilians in its custody. The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied those under its authority the right to change their government, infringed on privacy rights, routinely violated civil liberties, operated an unfair court system, restricted freedom of movement, used child soldiers, and severely discriminated against ethnic and religious minorities.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Police, Home Guards, and army personnel committed extrajudicial killings, including the killing of civilians in connection with the conflict with the LTTE. One person died in police custody at Kantale after being arrested for suspected terrorist activity in June (see Section 1.c.). The STF shot and killed two young Tamil civilians in March. Seven persons died in elections-related violence on September 29. On July 13, army soldiers allegedly killed a Tamil student in Jaffna, which led to more than a week of protest and boycotts by students. The exact number of extrajudicial killings was impossible to ascertain due to frequent censorship of news relating to military or police operations and to lack of regular access to the north and east where the war between the Government and the LTTE insurgents is being waged.

On April 30, gunmen in police uniforms killed the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali.

On October 27, while police allegedly looked on, 27 Tamil males between 14 and 23 years of age were hacked to death by local villagers armed with machetes and clubs; 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. The victims were former child soldiers being detained at a government-run "rehabilitation" camp at Bindunuwewa near Bandarawela. President Kumaratunga sent two police teams to investigate. The HRC said the police were guilty of "grave dereliction of duty," and it did not believe that the mobs could have overpowered the police present. By year's end, police had arrested 3 employees of a local teacher's technical training college and detained 13 policemen in connection with the incident. Violence after the killings at Bindunuwewa continued for almost a week in the country's central hill area, and at least 14 people died during the week before police could restore order.

On December 19, nine Tamil civilians were reported missing in Mirusuvil after being arrested by the Sri Lanka Army (SLA). One person escaped, and after checking himself into the local hospital for torture wounds, reported the incident to police and the local magistrate. The magistrate, accompanied by police, took the person to the site where he and the other eight had been arrested and tortured. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight. The soldiers identified the place of burial, and the bodies were exhumed. On December 25, an additional SLA commissioned officer and six additional SLA soldiers were arrested for the torture and mur-

ders. The army commander is monitoring the matter and has ordered a separate inquiry into the incident (see Sections 1.b. and 1.c.).

In some cases, extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam, near Trincomalee, in February 1998, police and home guards allegedly massacred eight Tamil civilians, including three children, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested 31 police officers and 10 home guards, and charged 4 with murder and 17 with unlawful assembly. The other 20 were released after the Attorney General determined that there was insufficient evidence against them. The case remained active during the year.

Impunity remains a serious problem. Since April 1995 at least several hundred persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody; they are presumed dead. With the exception of the 6 security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy and the 4 convictions for abduction involving 88 security force personnel, no member of the security forces has been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. In August 1998, the Government reimposed a state of emergency nationwide. There was no evidence that the Government was using the ER, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the HRC often were ignored by the security forces—especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished for this during the year.

In 1998 the court sentenced 6 persons to death and acquitted 2 others in the case of 16 police and army personnel prosecuted for the rape and murder of Tamil school-girl Krishanthi Kumaraswamy, the murder of 2 members of her family, and the rape and murder of another individual. At his sentencing, 1 of the convicted, former Lance Corporal Somaratne Rajapakse, claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. Five others convicted in the Kumaraswamy killings later also claimed knowledge of mass graves in the Chemmani area where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. In 1998 the Ministry of Defense (MOD) stated that the police Criminal Investigation Department had been directed to examine the allegation, and forensic experts and detectives were to visit the site. Exhumations in 1999 in the presence of international observers and forensic experts yielded 15 skeletons. Two of the victims provisionally were identified as young men who had disappeared in 1996. In December 1999, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including a skeleton that was bound and blindfolded, showed signs of physical assault which led to their deaths. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault leading to death could not be ruled out. By year's end, 13 of the bodies had not been identified. Family members provisionally identified the bodies. Rajapakse and others named a total of 20 security personnel, including former policemen, as responsible for the killings. On March 14, authorities arrested five suspects and issued an arrest order for another who fled. In June one suspect not charged with murder was released on bail. The case was pending at year's end, but fighting near Jaffna displaced key witnesses and delayed proceedings.

Although in June the courts ordered five soldiers arrested for the July 1999 gang rape and murder of Ida Carmelita, a young Tamil girl (two additional suspects were already in remand), the case remained pending at year's end. During the year, investigations conducted into the case found that the weapons used in the killing belonged to army personnel. Various witnesses testified at hearings held during the year. The case is to continue in 2001.

The 1997 death of Reverend Arulpalan was not investigated during the year.

In December 1997, three Tamil prisoners were hacked to death in prison by Sinhalese prisoners at Kalutara prison. Prison staff and army personnel at the prison allegedly failed to take measures to protect the detainees even as the attack occurred. At year's end, no charges had been filed in connection with the case. On January 6 and 7, 2 Tamil detainees in Kalutara prison died and more than 40 suffered injuries in clashes with other prisoners and prison guards. Authorities subsequently

moved many detainees to another facility, but by year's end, they had taken no action against those responsible for the killings.

The case against 8 soldiers and 1 reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder, and the case was scheduled for trial during that year; however, the case had not gone to trial by year's end. The other two accused security force agents were released due to lack of evidence.

The case of the 22 STF members arrested on suspicion of murdering 23 Tamil youths at Bolgoda Lake in 1995 went to trial in June. Since key witnesses did not appear, the prosecution asked for the case to be rescheduled to October, when another hearing was held. The next hearing was scheduled for March 8, 2001.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The court held hearings in June and October, but the case was postponed until January 2001. Many witnesses for the case live in refugee camps, and they cannot come to court to give evidence; observers believe that the case likely will be protracted.

Former insurgent Tamil militant groups armed by and aligned with the Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north. The military wing of PLOTE and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE insurgents, and, in some cases, to fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups remained inadequate, and complaints about them continued, especially in Vavuniya and Batticaloa. These groups frequently operated beyond government control. Complaints about their activities continued, especially in transit camps for internally displaced persons (IDP's) in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Persons killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. Unknown assailants killed Jaffna media correspondent Mayilvaganam Nimalarajan in the early morning of October 20. Nimalarajan's outspoken criticism of paramilitary groups in Jaffna led many to believe that one of these groups killed him. In February two members of the Razeek group were killed in separate incidents; in March a member of PLOTE was killed in Batticaloa; in April two TELO members were killed. These deaths likely resulted from rivalry among the groups. In May 1999, the Government forbade these groups from carrying arms and from stockpiling weapons, but these prohibitions have generally not been effective.

Violence marred the period prior to parliamentary elections in October. By September 29, at least seven persons had died in election-related violence, and local monitoring organizations reported over 500 violent acts.

On January 5, assailants shot and killed pro-LTTE Tamil politician Kumar Ponnambalam. Police detained four persons, two of whom alleged that a local businessman had hired them to commit the murder. The investigation continued at year's end.

During the year, the Government ordered payment of compensation to victims of a 1999 air force bombing that killed 22 civilians at Puthukkudiyiruppu.

The LTTE committed many extrajudicial killings, including many bombings (see Sections 1.c. and 1.g.). On January 23, the LTTE killed 14 civilians in Kokkadicholai for alleged links to the security forces. On March 1, the LTTE killed a Jaffna municipal council member from the Eelam People's Democratic party (EPDP). On March 10, in an attack meant for government ministers scheduled to travel along a certain route near Parliament, the LTTE killed 30 civilians and injured 60 more with claymore mines, rocket propelled grenades, and automatic weapons during rush hour in a Colombo suburb. Other civilians died or suffered injuries in a fight between security forces and the LTTE that evening. On March 11, LTTE cadres who survived the first battle committed suicide or died at the hands of the security forces. In Batticaloa on November 7, two suspected gunmen killed newly-elected Tamil United Liberation Front (TULF) Member of Parliament Nimalan Saundranayagam and wounded his security guard.

On January 27, an LTTE bomb exploded at the post office in Vavuniya where military personnel were collecting paychecks, killing 11 persons and injuring more than 70 others, mainly civilians. Several bombings in commuter buses in January and February attributed to the LTTE killed 4 persons and injured more than 100 others. On May 17, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons, including children, and wounded dozens of others. Credible witnesses reported gunfire 10 minutes after the explosion; they described it as a retaliatory attack by police that allegedly killed 4 persons (see Section 1.g.), but police and hospital records do not confirm this account. On May 30, an LTTE bomb in Nelunkulan near Vavuniya killed 2 persons and injured 40 others. On June 14, an LTTE bomb hit a bus transporting members of the air force, injuring more than a dozen soldiers and killing two civilians. On December 14, a bomb explosion linked to the LTTE killed two civilians and two police officers.

On January 5, a suicide bomb blast in front of the Prime Minister's office killed 14 persons and injured dozens of others. On June 7, an LTTE suicide bomber killed 23 persons, including the Minister of Industrial Development C.V. Gooneratne and his wife, at a parade in a Colombo suburb. On June 26, an LTTE suicide boat rammed the M.V. Mercs Uhana, a civilian transport ship carrying food and other supplies to Jaffna. Five of the ship's crew remain missing, and they may have died in the attack or fallen prisoner to the LTTE. On September 15, an LTTE suicide bomber killed himself, 5 others, and wounded more than 20 persons, in front of the National Eye Hospital in central Colombo. In a similar incident, on October 5, an LTTE suicide bomb killed 10 persons and injured 40 persons at a PA political rally at the north-central town of Medawachchiya.

The LTTE also has targeted progovernment Tamil groups in the past.

The LTTE also has committed a number of "lamp post" killings, although there were no reported lamp post killings during the year. At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed in 1999 by the LTTE in public executions; their bodies were tied to lamp posts or otherwise left for public display. The LTTE has attacked government installations, killing and wounding civilians, and the LTTE reportedly sometimes also kills its own injured troops to avoid their capture (see Section 1.g.).

On October 2, at least 20 civilians were killed when a suicide bomber killed Mohammed Lathif Baithullah, a candidate for the Sri Lanka Muslim Congress, and his bodyguards, during campaigning for the October 10 parliamentary elections. All of the civilians were reportedly members of the Muslim community.

On October 19, a suicide bomb attack near the town hall in central Colombo left 3 dead and injured 24 others, including 3 foreigners.

No further investigation has been made into the November 1999 killing by unknown assailants of Ramesh Nadarajah, a Tamil Member of Parliament for the EPDP and editor of a weekly Tamil-language newspaper.

During the year, no investigation or arrests were made in connection with a grenade explosion in November 1999 that killed a person and injured 35 others at a political rally held by UNP.

In March 1999, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were about 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

*b. Disappearance.*—Disappearances at the hands of the security forces continued in the north and east. During the year, there were no reports of disappearances in Colombo, or Jaffna. The army, navy, police, and paramilitary groups caused as many as 11 disappearances in Vavuniya and Trincomalee through September 29. In January, bodies of three Tamils allegedly taken by the Home Guards near Trincomalee were found; two of them had been decapitated. In December eight Tamil civilians were reported missing in Mirusuvil after being arrested and tortured by the SLA. Two SLA soldiers were identified as perpetrators and admitted to murdering seven of the civilians. The bodies were exhumed. One SLA commissioned officer and six additional SLA soldiers were arrested later. At year's end, the army commander had ordered an inquiry into the incident (see Sections 1.a. and 1.c.). Human rights nongovernmental organizations (NGO's), including Amnesty International (AI), reported an increase in disappearances in Vavuniya during the second half of the year. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east. However, the U.N. Working Group on Enforced or Involuntary Disappearances lists Sri Lanka as a country with an extremely large number of nonclarified disappearances. Those who disappeared

during the year and in previous years are presumed dead. The commander of the army and the Inspector General of police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless there have been very few security force personnel prosecutions to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988-94, most during the 1988-89 period of the JVP uprising. The commissions found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements—in particular the leftist JVP—were determined to be responsible for the disappearances. After the reports were presented to the President in September 1997, the police created a Disappearances Investigations Unit (DIU) in November 1998 to examine 1,681 cases in which the commissions had evidence against specific individuals. In July 1999, the Attorney General created a Missing Persons Commissions Unit to consider institution of criminal proceedings based on results of DIU investigations. The Attorney General's office has opened over 1,175 files and referred 262 indictments to the high courts and 86 complaints to magistrates involving 583 members of the security forces on abduction and murder charges. Hearings and trials in at least 250 of these cases had begun by year's end. Of these the Attorney General's office successfully prosecuted 4 cases of abduction, involving 88 security force personnel.

In May 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial 3 commissions had been unable to investigate before their mandates expired. The commission is not to investigate cases of disappearance that occurred after 1994, but is to focus only on cases that were not completed by the first three commissions. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga government took office in 1994. The commission is charged with facilitating payment of monetary compensation to the families of persons who disappeared, as well as forwarding cases to the Attorney General for possible prosecution. The commission submitted an interim report to President Kumaratunga in December 1999 and a final report on August 31 (which by year's end still had not been made public) to assist in further investigations and prosecutions.

During the year, there were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. Proceedings began in 1999 against an army major (who died before the court case began) and a former subinspector of police in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989. The case continued during the year.

In October 1999, the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999, cited the PTA and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The working group criticized the country's slow progress in resolving disappearances and noted the lack of implementation of its recommendations from visits in 1991 and 1992, including the creation of a central register of detainees. The report encouraged the establishment of an independent body to investigate disappearances that occurred after the Kumaratunga Government took office in 1994.

Progovernment Tamil militias also were responsible for disappearances. These militias detained persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believed that the PLOTE was a major offender in the case of disappearances. However, the HRC has no mandate or authority to enforce respect for human rights among these militia groups. When the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. He eventually departed the country in 1999. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear steps to stop these militants' actions, although tighter restrictions on these groups' right to bear arms were implemented following a May 1999 shootout between PLOTE and TELO supporters near a popular shopping center in downtown Colombo.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE has denied taking any prisoners from its battles, at year's end it was known to be holding 11 civilian crew members of vessels that it has hijacked since 1995, along with 11 security force personnel. In February the LTTE released four security force members after a hunger strike; in April the LTTE released one civilian prisoner. The LTTE has not noti-

fied the International Committee of the Red Cross (ICRC) of any new security forces prisoners since 1994.

*c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*—Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons, particularly Tamils suspected of supporting the LTTE. Suspected criminals also apparently were tortured. Several children reportedly have been tortured in detention during the last few years. The 1994 Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a 1999 AI report, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances and allowed under others. Consequently torture continues with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, admissible in court. The Working Group on Enforced or Involuntary Disappearances and other human rights organizations cited the PTA as a major factor contributing to torture of prisoners.

The Government is developing regulations to prosecute and punish military and police personnel responsible for torture. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. By year's end, there were 146 cases under investigation. In addition the Government also ceased paying fines incurred by security force personnel found guilty in proceedings of the offense. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's office, by year's end, 8 members of the security forces and police had been prosecuted under criminal statutes, but none of the cases had come to conclusion. Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drownings. In other cases, victims must remain in unnatural positions for extended periods, or they have bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no reports of rape in detention during the year.

Medical examination determined that officers of the Counter-Subversive Unit of the Vavuniya police beat and burned with cigarettes a Tamil man arrested in March. Police at Kantale, near Trincomalee, arrested and tortured five young Tamils in June; one died as a result (see Section 1.a.). In December the bodies of seven Tamils who had been tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. A commissioned officer and eight soldiers were arrested, and at year's end, an inquiry continued (see Sections 1.a. and 1.b.). Torture appeared more prevalent in rural areas than in Colombo.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Courts or Supreme Court. Courts have granted awards ranging from approximately \$175 (14,200 rupees) to \$2,280 (182,500 rupees). In February the Colombo high court ordered compensation of \$625 (50,000 rupees) to a young man beaten in police custody in Vavuniya and Colombo in 1999. In August the Supreme Court ordered \$1,250 (100,000 rupees) in compensation for a Tamil man tortured in December 1999 at an army camp near Batticaloa. However, most cases take 2 years or more to move through the courts, and NGO's who represent torture victims complained that the new Supreme Court Chief Justice appointed in September 1999 grants hearings in only the most egregious cases.

At the invitation of the Government, the United Nations Committee on Torture sent a five-person mission to Colombo in late August to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. By year's end, the mission had not submitted its confidential report to President Kumaratunga.

Progovernment Tamil militants, directly responsible to the security forces, also engaged in torture. The PLOTE in Vavuniya has drawn the most criticism for routinely torturing its opponents, and during the year, its members reportedly burned with cigarettes those who refused to pay protection money. Security forces have done little to stop this practice.

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE stated that they had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned by hot rods.

The LTTE was responsible for a number of bomb attacks during the year, which killed and injured dozens of civilians (see Sections 1.a. and 1.g.).

Prison conditions generally are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor conditions in short-term detention centers and in undeclared detention centers run by progovernment Tamil groups (see Section 1.d.).

The Government permitted representatives from the ICRC to visit approximately 160 places of detention. The HRC also visited over 2,000 police stations and over 500 detention facilities by year's end (see Section 1.d.).

Conditions also are poor in LTTE-run detention facilities. Some former prisoners reported being handcuffed and shackled during much of their captivity.

The LTTE permits the ICRC to visit detainees in the Vanni regularly (see Section 1.d.). The ICRC provided medical attention and helped negotiate the release of four servicemen held in Mallavi following a hunger strike in February (see Section 1.b.).

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. However, under the ER and the PTA, security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide since August 1998, allows pretrial detention for a maximum of four consecutive 3-month periods. The ER gives security forces broad powers for arrest and detention without charge or the right to judicial review. New ER provisions published in May lengthen to a year the period for which authorities may order individuals to remain at home or otherwise have their freedom of association and movement limited. The new ER provisions also permit police to hold individuals for up to 90 days to investigate suspected offenses, although the police must present detainees to a court within 30 days to record the detention. The court can order a further 6 months detention. The ER states that detention orders "shall not be called in question in any court on any ground whatsoever," which may contradict an individual's constitutional right to petition the Supreme Court to redress fundamental rights violations.

As required under the ER, the army generally turned over those that it arrested to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this in areas outside of the conflict. Due to censorship and infrequent access, observers could not determine the state of affairs in the north and the east.

Despite Government announcements that it would close all secret detention centers, there were continued credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Large-scale arrests of Tamils continued during the year; these arrests were particularly prevalent after LTTE bombings, when many young Tamils were detained or arrested on suspicion of being LTTE cadres or sympathizers. The Government detained more than 2,819 persons under the ER and PTA from January to August 31, a higher number than that for all of 1999. Many detentions occurred during operations against the LTTE. Most detentions lasted several days to several months. The number of prisoners held at any given moment under the ER and the PTA consistently remained close to 2,000. Hundreds of Tamils indicted under the PTA remained without bail awaiting trial, some for more than 2 years. The high courts held hearings on 1,000 cases under the PTA or ER during the year. Many such cases drag on for years. On January 7 and 15, security forces detained several thousand Tamils in Colombo and the surrounding suburbs in "cordon and search" operations meant to find LTTE cadres after suicide bomb attacks (see Section 1.a.). Although authorities eventually arrested fewer than 100 persons, many of those rounded up for questioning spent hours in detention, often without access to sanitary facilities. On March 18, police at a Colombo checkpoint detained and publicly strip-searched one woman, who turned out to be Sinhalese, on suspicion of being an LTTE suicide bomber. On May 30, police detained hundreds of Tamils in downtown Colombo for almost 5 hours of questioning. Approximately 50 of the detainees were taken for photographing and further questioning. In addition those arrested,

most of whom were innocent of any wrongdoing, sometimes were detained in prisons with convicted criminals. Many lesser incidents of this sort occurred during the year. Tamils complained that they were abused verbally and held for extended periods at the security checkpoints that have been set up throughout Colombo (see Section 1.d.). The Government justified the detentions and arrests on security grounds, but many Tamils claimed that the detentions and arrests were a form of harassment. Tamils often suffered arbitrary searches in their homes.

In February the Government ordered the arrest of an engineer employed by a local Internet provider under the provisions of the PTA as part of its attempt to stifle competition with the state-owned telecommunications monopoly. The Government alleged that the company involved in a fundraising scheme to benefit the LTTE. Under international pressure, the Government dropped the charges against the engineer and released him in August; however, investigations of the company continued at year's end.

In July 1998, the President established the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The committee, which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The committee received more than 200 complaints between January and August 31. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee acted as a deterrent to random arrests and helped to alleviate some of the problems encountered by detainees and their families. However, some critics claim that, following initial publicity, the committee's services have not been advertised widely. For example, the fax number for the committee is not in the Colombo telephone directory. Those wishing to contact the CIUAH usually are referred through human rights lawyers or find it by word of mouth. Many Tamils believe that the CIUAH does little to deter police agents from stopping them more frequently at security force checkpoints in the capital.

The HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC legally is mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps throughout the country that were recognized officially as places of detention. Such visits played an important role in enabling the ICRC to monitor the human rights practices of the security forces. The HRC, through its 11 offices, also visited places of detention; however, human rights observers believed that due to inadequate leadership and a failure of the HRC to give long term contracts to many of its workers, the organization was not pursuing its mandate (see Section 4).

The PLOTE continued to run places of illegal detention in Vavuniya. The EPDP also detained members for short periods in Jaffna as punishment for breaking party discipline.

The LTTE continued to detain civilians, often holding them for ransom. For example, in September 1999 the LTTE held three businessmen for a ransom of \$550,000 (40 million rupees). The businessmen were freed after making partial payment and promising to pay the balance. Unconfirmed reports indicated the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. Those held included 11 civilian crew members of 3 vessels hijacked by the LTTE since 1995. In February the LTTE released 4 of the 15 servicemen that it held. In June it also released 1 of its 12 declared civilians prisoners. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees, aside from these crew members and security force personnel.

The Government does not practice forced exile. There are no legal provisions allowing or prohibiting its use.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation and followed by joint action of the President and the Parliament.

In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent

persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. There are no jury trials in cases brought under the PTA. Confessions, obtained by various means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases; most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants can spend up to 18 months being held in prison on administrative order waiting for their case to be heard. Once their case comes to trial, decisions are made relatively quickly. Courts held hearings on some 1,000 PTA and ER cases during the year.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and no law reports exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In Jaffna LTTE threats against court officials disrupted normal court operations. Although magistrate and district level courts functioned during the year, the high court suspended activities due to security concerns.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees or members of the now legal JVP, detained in similar fashion in past years, are political prisoners. Between 200 and 300 of those previously detained—mostly JVP members—were convicted under criminal law; some remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy, and the Government generally respects these provisions in practice; however, it infringes on citizen's privacy rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of the Ministry of Defense is responsible for providing oversight for such searches. No judicial review or other means of redress exist for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces (see Section 1.d.). The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband. The Government censors news reports that cover military operations. Television stations practice self-censorship and some international news broadcasts which deal with the country specifically are blurred over. This censorship tightened after the publication of the new ER on May 3 (see Section 2.a.), although some restrictions had eased by year's end. For example, although blocks marked "censored" were inserted over missing text in newspapers in past years, there was no occurrence of this action in the last 6 months of the year.

Progovernment Tamil militant groups, nominally operating under government control, used forced conscription in the past, although it appears this practice abated after a 1999 order from the Government. In previous years, there have been credible reports that Tamil youth (in the east in particular) have been forced to join these groups under threats to themselves and their families; however, there were no reports that this practice occurred during the year.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. There are credible reports the LTTE has warned 66,000 displaced Muslims living in the Puttalam area not to return to their homes in Mannar

and Jaffna until the conflict is over. The LTTE also recruits children (see Section 6.c.).

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Hostilities between the Government and the LTTE continued throughout the year. After establishing positions on the Jaffna peninsula in January, the LTTE in March began a sustained campaign to recapture Jaffna. On April 22, the LTTE captured a large base at Elephant Pass, and in the following weeks, forced the armed forces to retreat to Jaffna. By late May, the front lines had stabilized just east of Jaffna in the Chavacachcheri area. From June through August, there were minor skirmishes, with the armed forces carrying out counterattacks from September through year's end that resulted in high casualties on both sides. More than 2,000 combatants and more than 100 civilians died during the year in incidents related to the conflict.

At year's end, approximately 490,000 persons were displaced by the conflict. Over 340,000 persons, principally in the Vanni region, remain displaced by the past several years of fighting; during the year the battles near Jaffna displaced an additional 150,000.

The Government in the past often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the armed forces were more secretive during the year, and it did not give public warnings before the commencement of its advances. Despite the use of unmanned aerial vehicles to assess targets before attacks, bombings and artillery fire against LTTE installations have killed civilians working at those installations or living nearby. More than 100 civilians were killed in the LTTE's advance on Jaffna in April and May, including 6 who died at Pallaikudu in May when the armed forces conducted an aerial bombing of an LTTE boat dock. More than a dozen persons were killed by the air force in bombings against Mullaitivu during the year. On April 19, artillery shells killed 15 and wounded 24 at a home for the elderly in Kaithady during a clash between the LTTE and the army. It was not clear which side was responsible. On November 23, 2 shells thought to be fired by the LTTE landed near a school in Muttur, near Trincomalee, killing 2 students and wounding 10 more. During the year, dozens of civilians were wounded in contested areas of the north and east in clashes between the armed forces and the LTTE.

On May 17, 23 people were killed and dozens were injured when a bomb exploded at a Buddhist temple in Batticaloa in the east, where people were gathered to celebrate the Buddhist festival of Vesak (see Section 1.a.). The bomb, concealed in a freezer box on a bicycle, exploded after the cyclist was stopped by two policemen and a soldier; the cyclist ran away. After the bomb exploded, security forces opened fire, killing four children and injuring eight more. Although the Government has blamed the LTTE publicly for this bombing, no one officially claimed responsibility, and at year's end, no investigation had been conducted. Furthermore the Government has not commented on the additional deaths and injuries caused by the security forces opening fire.

The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians. In September 1999, the air force dropped 3 bombs on a village near Puthukudiyiruppu in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the air force targeted an LTTE training camp, and at first they did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident. During the year, the Government held an investigation and authorized compensation for the victim's families, admitting that the site had been bombed "in error." However, the Government did not admit formally to having killed civilians.

The security forces continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). According to the military, the army also established human rights cells in each division, and it established a human rights office in each brigade and battalion. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. Food rations were delivered by the Government to the Vanni area through a checkpoint that is controlled on one side by the security forces and on

the other by the LTTE. The border into the territory controlled by the LTTE (an "uncleared area" in Government parlance) was not closed during the year.

The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. During the first half of the year, the Government proved particularly reluctant to allow medical supplies into LTTE-controlled areas. During this period, civilians injured in the conflict relied heavily on aid provided by international NGO's who faced severe restrictions on moving medical supplies into the area. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas.

The Ministry of Defense reported capturing several LTTE insurgents on the battlefield during the year. It sent these, and other cadres who surrendered or whom security forces arrested to rehabilitation centers. The ICRC continued to visit approximately 100 former LTTE members now in government rehabilitation camps, although the October massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (see Section 1.a.).

In view of the scale of hostilities and the large number of LTTE casualties, some observers found the number of prisoners taken under battlefield conditions to be low and concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the government side, an unwritten "take-no-prisoners" policy generally remained in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove wounded fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly wounded fighters (see Section 1.a.). There were no reported instances of security forces personnel executing LTTE cadres this year, and no army or other security forces personnel were prosecuted or disciplined for allegedly executing prisoners from previous years.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to government care. Credible reports told of wounded LTTE cadres surrendering to the Government and receiving appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Eyewitness accounts confirm that the LTTE has executed wounded soldiers on the battlefield. At the end of September, the LTTE admitted to holding only 11 security forces prisoners, all captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel that it has captured in recent years. However, the LTTE released two army deserters who surrendered to it in 1998, and in November 1999, it transferred over 11 SLA members who were captured during the year to the ICRC. In February the LTTE released four servicemen, and in June it released one civilian.

The LTTE uses excessive force in the war. During the course of the year, the LTTE killed a government minister (see Section 1.a.) and more than 200 other non-combatants. The LTTE has engaged in hostage taking, hijackings, and bombing of civilian targets.

In the past, the LTTE has used church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions; however, there were no reports that this occurred during the year.

The LTTE uses child soldiers. The armed forces captured a 14-year-old female LTTE cadre in fighting in September, and during the year credible sources reported LTTE efforts to recruit children to replenish battlefield losses. According to some reports the LTTE shows war movies and gives political speeches to children in schools. In September 1998, 25 young LTTE fighters surrendered as a group; at least one of those who surrendered was 13 years old. Most of the others were aged between 15 and 17 years. In 1998 the LTTE promised the U.N. Secretary General's Special Representative for Children in Armed Conflict that it would not recruit children under 17 and would not use children under 18 in battle. It disregarded those promises.

The LTTE expropriates food, fuel, and other items meant for IDPs, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled and other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported an increase in anemia and a lower birth rate, both of which indicate lower levels of nutrition. There were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country. Medical sources distinguish between "undernourished" children (of which there are many throughout the country) and "malnourished" children.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east. Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in April, stating that it was impossible to continue as long as hostilities continued. According to the Landmine Monitor Report for 2000, both the LTTE and the military abandoned promises given in 1999 not to place new mines in areas designated for civilian resettlement. Sources reported 16 civilians were killed or wounded from January to give end of August in incidents involving mines or unexploded ordnance. On November 28, a landmine blast attributed to the LTTE killed 7 persons and injured 24 passengers on a bus in Anuradhapura district. In contrast 20 such accidents occurred in 1999. Sources have confirmed that the SLA is making great efforts to clear all explosives from areas that it has recaptured.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information and continued to censor news relating to the military and security situation. In June 1998, the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. The Government reissued its censorship order in November 1999 after the military suffered setbacks in the field. Even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country. In May the Government passed new ER to tighten censorship rules, to give the Government power to impound printing presses, and to close newspapers or broadcast stations it perceived as threats to national security. Subsequently a local NGO filed a fundamental rights case in the Supreme Court opposing censorship as a human rights violation. The court refused to consider the case. On November 1, International Press Institute (IPI) placed the country on its "watch list" of countries which "appear to be moving towards suppressing or restricting press freedom." IPI cited the new Emergency Regulations as an impediment to free media expression.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC, a radio station). There are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. However, some journalists practiced self-censorship due to fear of intimidation. There is also a privately owned newspaper published in Jaffna. The Government imposes no political restrictions on the establishment of new media enterprises.

The Government has failed to reform the press law and privatize government-owned media as promised during the 1994 election campaign. In 1997 there was an attempt to pass a broadcast reform bill that was ultimately unsuccessful and further revisions subsequently proposed by a blue-ribbon panel have yet to be implemented.

In a January speech, the President attacked the press and singled out individuals and media organizations for criticism by name. After passing the new ER in May, the Government created a special media information center to approve print and broadcast material produced in the country, including that of foreign journalists. Later that month, the SLBC defied an order by the censor and continued to broadcast the BBC's Sinhala-language news program. After a period of controversy, the Media Minister allowed the broadcasts to continue. The President officially eased censorship restrictions on foreign journalists in a circular published on June 5, although material for publication or broadcast within the country, regardless of au-

thor, remained subject to government approval. As a result of the Government's actions, journalists practiced self-censorship.

In late May, the Government used its power under the new ER to close two publications in Colombo and the independent newspaper in Jaffna, citing security concerns. The Supreme Court in late June declared the censorship regulations to be invalid, and it ordered the Government to allow the newspapers to reopen. The Government complied with the ruling, but it reissued the regulations in a manner consistent with the Supreme Court ruling.

On September 19, police arrested a young man for criticizing the President on a radio call-in show. Police traced the call to discover the caller's address. The young man's parents alleged that he had a mental illness and could not be held responsible for his comments. Regardless at year's end, the young man remained in prison pending a hearing of the case.

On January 2, unknown attackers set fire to the home of an actress who supported the opposition party candidate during the 1999 presidential election campaign. On January 26, presumed government supporters attacked a husband and wife singing duo, who also had supported the opposition presidential candidate. On April 6, the local BBC correspondent was assaulted while covering a rally that protested Norway's involvement in the country's peace process. Other journalists reported threats for expressing opinions critical of the Government. Several fled the country.

During the year, police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper which had been critical of leading figures in the ruling coalition. By year's end, no one had been charged in connection with the case. Similarly authorities made no progress in the 1999 murder of Ramesh Nadarajah, a Tamil Member of Parliament and the editor of a Tamil-language weekly.

In March 1999, an army brigadier allegedly abducted and assaulted a journalist working for an independent Sinhala-language newspaper. Police arrested the brigadier, after which courts granted him bail. The case did not come to trial during the year.

In February 1998, armed men attacked a journalist who regularly reported on defense matters, including corruption in military procurements. The Government criticized the attack; it subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former commander of the air force. A formal indictment was handed down in 1999. Courts postponed the hearings several times during the year; the case was scheduled to reconvene in February 2001.

The editor of a leading national newspaper who was found guilty of defaming the President in 1997 appealed the verdict that year. On December 5, an appellate court upheld the lower court's ruling. The editor appealed the decision to the Supreme Court. Another defamation case filed by the President in 1995 led to the September 5 conviction of an editor of another important English-language weekly. The editor received a 2-year jail sentence, later suspended; he appealed. Other defamation cases filed by the President against editors of major newspapers critical of the Government or supportive of the opposition remained pending. Journalists viewed these cases as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation. In August 1999, the Sri Lanka Tamil Media Alliance filed the first-ever fundamental rights case on behalf of an ethnic Tamil reporter on the staff of the government-owned and-controlled Tamil language daily. Security forces arrested the reporter on August 21, 1999, on suspicion of affiliation with the LTTE and later released him. The court ruled that the security forces had acted within their rights in detaining the reporter and refused to award compensation.

Travel by foreign and national journalists to the conflict areas was restricted, but in September the Government began approving some requests for journalists (both local and foreign) to travel north and they organized transport for selected journalists to visit Jaffna; however, the Government did not announce a formal policy change. Both local and foreign journalists still were required to obtain advance permission from the Ministry of Defense for travel to conflict areas. The Foreign Ministry also had to approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced, but they still prevail. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. The Government remains the

only source of most news about security and defense matters that can be disseminated to the public legally.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely-respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE severely repressed members of a human rights organization, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula; most former members of this group have been killed.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government generally respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose during the year. The right of assembly is also restricted under the emergency regulations, and the Government ordered the cancellation of two political rallies under the new emergency regulations in May. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

New ER enacted in May restricted the right to organize rallies, including political demonstrations and discouraged public celebrations. Under the new emergency regulations, police ordered the cancellation of a JVP protest organized for May 9 and cancelled the UNP's first pre-election rally, scheduled for May 12. Nonetheless many political parties and factions continued to hold impromptu, short demonstrations without reprisals from the Government. A June presidential order lifted the restrictions on rallies.

Violence at political rallies sometimes occurs. A JVP supporter died on September 27 from injuries sustained when the police broke up a JVP rally held in Matale on September 25, which the Government claimed was illegal because participants had not applied for permits or requested permission to use loudspeakers.

The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that purpose during the year.

The LTTE does not allow freedom of association in the areas that it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other Government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

*c. Freedom of Religion.*—The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but for the last 30 years, the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy. It permitted those already in the country to remain; however, as foreign clergy have retired, Sri Lankans would replace them. For example, in 1962 the Government reached an agreement with the Catholic Church that new Jesuit clergy would not be permitted to enter the country on a permanent basis. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute, and it is not lobbying the Government to change the agreement. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin.

Some evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment; however, there is no evidence to support this claim. In 1997 the Assemblies of God Church filed a fundamental rights case with the Supreme Court after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism. The Supreme Court ruled that the construction of the church could proceed. However, in May 1999 two

bombs exploded in the hall of the church; no one was injured, but the structure was damaged slightly. The denomination complained that it continues to face opposition at the local level in many places but stated that legal action or the threat of legal action generally has resulted in the Church being allowed to construct facilities for its congregations and conduct worship services.

The LTTE has discriminated against Muslims. In 1990 it evicted some 46,000 Muslims from areas under its control in the north. The LTTE also has expropriated Muslim homes, lands, and businesses, and threatened Muslims with death if they attempted to return to their homes before the conflict ends (see Section 5).

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in the town of Kandy in January 1998. In May an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and wounded dozens of others (see Sections 1.a. and 5).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka," and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east, and frequently they are harassed at checkpoints around the country (see Section 1.c.). These security measures have the effect of restricting the movement of Tamils.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city. For Tamils travel from Jaffna to other parts of the country remained extremely difficult, due to security restrictions imposed by the security forces and the limited availability of transportation. The ICRC in September replaced its relief and supply ship with a new vessel capable of carrying up to 75 persons. The ship evacuated civilians from Jaffna who needed medical treatment, but it also carried civilian passengers between Trincomalee and Jaffna on an as-needed basis. In addition the Government hired a passenger vessel with room for 400 persons that operated between Trincomalee and Jaffna and transported medical supplies; in July the ICRC began providing escort for the ship under the ICRC flag, at the request of the Government and with the agreement of the LTTE.

The armed forces initially prevented more than 1,000 civilians from vacating conflict areas on the Jaffna peninsula during fighting in April and May and imposed a curfew, prompting accusations that the security forces were using the population as "human shields." The military quickly decided to permit civilians to evacuate the area after intense pressure by human rights groups. During the April and May campaign, almost the entire population of the Thenmarachchi district, east of Jaffna, was trapped between the military and the LTTE. By early June, the situation had calmed sufficiently that many persons were able to leave. The LTTE and the military did not allow international NGO's to have access to the area until mid-June. Observers believe that many persons, including the elderly and invalids, may not have been able to leave the area during the heaviest fighting in May, and may have died as a result. The area still was contested at year's end. The U.N. High Commissioner for Refugees (UNHCR) and ICRC were unable to gain access to the region until fighting abated in June.

In November 1999, most residents of Vavuniya fled when the LTTE threatened to shell the town as part of its counterattack. Security forces kept nearly 5,000 residents of nearby welfare centers or transit camps where they were. Human rights groups accused security forces of endangering the lives of camp residents. One week later the LTTE withdrew its threat, and most residents returned.

Fighting between Government and LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shift. Fighting in Jaffna from April to June this year displaced an estimated 150,000 more, most of whom sought shelter with friends or relatives. Another 340,000 displaced reportedly live in the Vanni. Since September 172,000 internally displaced persons (IDP's) have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with government social services and food aid. By year's end, 500,000 displaced persons, including those in the Vanni, had registered for government food aid and were receiving medicine and other essential supplies from the Government.

The Government has sought to resettle the displaced where possible and has arranged for a number of those from Jaffna to return to their homes. Some attempts at resettlement proved successful. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. However, many of the resettled were displaced again by further fighting, in-

cluding those who in 1999 returned to their homes north and east of Vavuniya, but they were forced to flee again when the LTTE retook the area starting in November 1999.

From October 1996 until the end of 1999, over 150,000 persons are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points in government-controlled regions. Of these over 100,000 persons reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take between 2 and 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and the very young. Those wishing to travel must be sponsored by a registered Vavuniya resident, and only one person may be sponsored at a time. This has created a lucrative black market in sponsorships. During the year, persons crossed illegally from LTTE-controlled to government-controlled areas. These individuals encountered strenuous security checks in Vavuniya that often took months, further contributing to crowding in the transit camps. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. At year's end, about 42,000 displaced persons continued to live in substandard conditions with relatives or in camps in Vavuniya and Mannar. Some displaced persons wish to return to their homes.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons who sought to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition it usually would allow only one family member to travel at a time. Following the Government's capture of Jaffna, the LTTE began to allow persons to move more freely into, government-controlled areas, although it still extracts a small fee for "travel passes" to leave the Vanni, and it rarely allows entire families to leave at once. The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the one established and legal checkpoint. The LTTE also disrupted the movement of IDP's from Trincomalee to Jaffna by hijacking or attacking civilian shipping. On June 26, an LTTE suicide boat rammed the M.V. Mercs Uhana, a civilian transport ship carrying food and other supplies to Jaffna (see Section 1.a.). On November 2, the LTTE temporarily hijacked the Russian vessel M.V. Utyous after the Sri Lankan navy destroyed three LTTE craft in a sea battle. After successfully evading the navy and escaping to shore, the LTTE released the Russian ship and its crew. In addition the LTTE also disrupted civilian air traffic to Jaffna; in August 1998, it began warning civilians and humanitarian workers not to use civilian flights serving the peninsula.

Humanitarian groups estimate that there are more than 200,000 IDP's in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 65,000 Tamil refugees lived in camps there, having left the country at various times throughout the period of the conflict. Indian authorities reported 1,400 new refugees from between January and August 31; about 100,000 refugees may have integrated into Tamil society in India over the years.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. However, the UNHCR granted refugee status to four persons during the year who asked for that status after arriving in the country. The law does not include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no instances of forcible repatriation of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. The country is a long-standing democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the government was exercised in December 1999 when Chandrika Kumaratunga was elected to a second 6-year term as President and again during parliamentary elections in October. Both elections were marked by violence. As of

September 29, the Center for Monitoring Election Violence (CMEV) recorded more than 500 acts of violence, including 7 killings, in the period leading up to parliamentary elections. Another local monitoring organization counted 2,036 acts of violence during the campaign period from close of nominations in September to election day on October 10; it noted violence ranging from defacement of campaign posters to assault and 73 killings. Violence also plagued the 1999 presidential elections; several persons died and many more were injured, including the President and the Justice Minister, in an LTTE suicide bomb attack.

By year's end, local observers had not issued reports on the elections; however, they expressed concern about whether the vote was free and fair. A European Union monitoring mission, in its final report, expressed concern about violence and irregularities in the voting, but it concluded that the election "did to a reasonable degree reflect the will of the electorate."

The incidence of electoral fraud has increased in recent elections. Elections Commission officers reported misuse of postal votes in the 1999 Northwest ("Wayamba") Province elections. In response to sharp criticism about the way that the vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February 1999, the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Two local election monitoring organizations found that the 1999 presidential vote was flawed in more than 10 percent of polling stations. A group of 26 international observers invited by the Government to observe the elections stated that they saw no evidence of fraud in the 1999 presidential elections, but they admitted the possibility of irregularities and suggested ways for improving the voting system to prevent cheating. The EU sent a delegation of more than 70 monitors to observe the parliamentary elections in October. The Elections Commissioner granted the EU representatives access to polling and counting stations. Local monitoring groups also observed the polls.

The Commissioner of Elections recognized 46 parties at the time of general elections in October; however, only 13 parties actually held seats in the 225-member Parliament elected during the year. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. Historically, these two parties have alternated in power.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and they are underrepresented in government and politics. Nonetheless, in August 1994, voters elected a Parliament that chose a female Prime Minister for the third time in the country's history. In November 1994, a woman was elected President for the first time; she was reelected in December 1999 for a second term. Eleven women held seats in the Parliament that completed its term in August. In addition to the Prime Minister, the Minister for Women's Affairs, and the Minister of Social Services, a number of women held posts as deputy ministers in the last parliament. Of the 5,000 candidates for the October parliamentary elections, 116 were women and 7 of them won seats in the October elections. The President appointed three of these women, including the wife of the deceased leader of the Sri Lankan Muslim Congress, to ministerial posts.

The Parliament elected in October has 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning in the east during the October parliamentary elections. Through a campaign of killing and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims as part of a Tamil homeland.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are several domestic NGO human rights groups, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February 1999, the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers saw this as an attempt by the Government to exert greater control over

the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January 1999 (see Section 3). However, few NGO's complied with these new reporting requirements. The Government generally cooperated with NGO's, with members of Parliament, and with other officials frequently participating in seminars and other events concerning human rights and humanitarian affairs.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). In the past, the ICRC provided international humanitarian law training materials and training to the security forces on an ad hoc basis. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, even with the many restrictions on such supplies (see Section 1.g).

By year's end, the HRC conducted more than 2,000 visits to police stations and 500 visits to detention facilities. The HRC has over 4,000 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership within the organization. For example, after almost 4 years of operation, the HRC had failed to hire permanent staff. The organization also responded inadequately to requests from its field officers for protection when inquiries placed them in danger. The HRC also has been criticized for micromanaging the activities of the field offices, which are equipped poorly. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness, since the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). New commissioners were appointed in March after the tenure of the previous commissioners expired. Activists have expressed some satisfaction with the new leadership, especially for its prompt investigation into the Bindunuwewu massacre.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language or Social Status*

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

*Women.*—Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continue to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention. Police statistics indicated that there were 26,660 crimes against women during the period from January to July 1999, compared with 26,565 crimes between January and June of 1998. Although laws against procuring and trafficking were strengthened in 1995, facilitating the prosecution of brothel owners, trafficking in women for the purpose of forced labor occurs (see Sections 6.c. and 6.f.).

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector, where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, issues related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

*Children.*—The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates

a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The 1997 Compulsory Attendance at Schools Act, implemented in January 1998, requires children between the ages of 5 and 14 to attend school (see Section 6.d.). Approximately 85 percent of children under the age of 16 attend school. Education is free through the university level. Health care, including immunization, also is free.

In the period January 1 to August 31, the police recorded 767 cases of crimes against children, compared with 1,491 in 1999. Many NGO's attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE, although the Bureau for the Protection of Children and Women of the police conducts investigations into crimes against these two groups.

There is a serious problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (see Sections 6.c. and 6.f.). A 1998 U.N. International Labor Office study placed the total at 30,000, a number which has not been confirmed and has been criticized by activists in the field as highly speculative. The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (see Section 6.c.). The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. Several foreign pedophiles were brought before courts during the year. The penalty for conviction is usually a fine and deportation. Four cases of pedophilia were brought to court this year, one involving a foreigner.

In 1995 the Ministry of Media, Tourism, and Aviation created a task force specifically to study the problem of sex tourism and related offenses. It was abolished at the end of 1997 and superseded by a presidential task force on child protection. Following the recommendation of the task force, the Government created the National Child Protection Authority (NCPA) in 1998. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is composed of senior law enforcement officers as well as representatives from the education, medical, and legal professions; it reports directly to the President. By year's end, the NCPA had recruited permanent staff and moved into an office space that it shares with the Bureau for the Protection of Women and Children of the police force.

The LTTE uses child soldiers and recruits children for use in battlefield support functions and in combat. In September the military captured a 14-year-old girl who fought near Jaffna. Other LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (see Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17; however, the LTTE has not honored this pledge.

*People with Disabilities.*—The law does not mandate accessibility to buildings or government services for the disabled. The World Health Organization estimates that 7 percent of the population is disabled. Most disabled persons who are unable to work are cared for by their families. The Department of Social Services operates eight vocational training schools for the physically and mentally disabled and sponsors a program of job training and placement for graduates. Some private companies, at the urging of the Government, have provided training and jobs to disabled veterans. The Government also provides some financial support to NGO's that assist the disabled, subsidizes prosthetic devices and other medical aids for the disabled, makes some purchases from disabled suppliers, and has registered 74 schools and training institutions for the disabled run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible disabled persons to find jobs. In spite of these efforts, the disabled still face difficulties because of negative attitudes and discrimination. In 1996 Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

*Indigenous People.*—The country's indigenous people, known as Veddhas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vedda demand when the President issued an order

granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. However, some Veddas still complain that they are being pushed off of their land. Although many Veddas continue to pursue a traditional way of life, visits by tourists have become an important source of income for the community.

*Religious Minorities.*—Discrimination based on religious differences seems much less common than discrimination based on ethnic group or caste. In general the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion evangelical Christians have been harassed by Buddhist monks for their attempts to convert Buddhists to Christianity (see Section 2.c.). In 1988 the leader of an Assemblies of God congregation in the southern town of Tissamaharama was killed by unknown assailants. In April 1999, two bombs exploded in the church hall of this congregation, now run by the pastor's widow. No one was injured; however, the building sustained some structural damage (see Section 2.c.).

In the northern part of the island, LTTE insurgents expelled some 46,000 Muslim inhabitants from their homes in 1990—virtually the entire Muslim population. Most of these persons remain displaced. In the past, the LTTE expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempt to return (see Section 2.c.).

The LTTE also has attacked notable Buddhist sites. In May 23 persons were killed and dozens wounded when an LTTE bomb exploded near a temple at the Buddhist Vesak festival (see Sections 1.a. and 2.c.).

*National/Racial/Ethnic Minorities.*—There are approximately 1 million Tamils of comparatively recent Indian origin, the so-called “hill” Tamils or “Indian” Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also are vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999 the Government introduced a program to begin registering these individuals; 4,500 “Indian” Tamils received identity cards between January and September 22. Critics charged that the program did not progress fast enough.

Both Sri Lankan and “Indian” Tamils maintain that they have long suffered systematic discrimination in university education, government employment and in other matters controlled by the Government. In 1996 the Government established a parliamentary select committee to consider a package of constitutional reforms designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. While the two main political groupings, the PA and UNP, reached consensus on many aspects of the devolution proposals, when the Government introduced the draft Constitution to Parliament in August in hopes of passing the measures, it had to suspend debate on the new Constitution due to political opposition. The LTTE rejected the devolution proposals.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Government respects the constitutional right of workers to establish unions. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Over 70 percent of the plantation work force, which is overwhelmingly “hill” Tamil, is unionized. In total there are over 800,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector is unionized. Unions represent most workers in large private firms, but those in small scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 1999, the most recent year for which data are available, the Department of Labor registered 69 new unions and canceled the registration of 71 others, bringing the total number of functioning unions to 1,676. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in “essential” services, have the right to strike. By law workers also may lodge complaints with the Commissioner of Labor, a labor tribunal or the Supreme Court to protect their rights. However, in May the Government issued new emergency regulations in response to military events in the north, which prohibited strikes as part of placing the country on a “war footing.” Nonetheless, plantation workers and railway workers participated in strikes. The Government has periodically controlled strikes by declaring some industries essential under the ER. Despite this restriction, the Government in 1998 permitted a 5-week postal strike and a strike by plantation workers. The President retains the power to designate any industry as an essential service. The President attempted to break a doctors’ strike in June 1999 by declaring their services essential. The doctors defied the order, and after a standoff which lasted a week, the Government agreed to consider their grievances. The International Labor Organization (ILO) has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission but have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in recent years. There were over 100 public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Tamil plantation workers, is the only trade union affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to collective bargaining, and it is practiced widely. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the export processing zones (EPZ’s), worker councils—composed of employees, employers and often a public sector representative—generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and they have been criticized as ineffective by labor advocates.

In December 1999, Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

There are approximately 110,000 workers employed in the export processing zones (EPZ’s), a large percentage of them women. Under the law, workers in the EPZ’s have the same rights to join unions as other workers. However, few unions have formed in the EPZ’s, largely because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZ’s is only 10 percent. Labor representatives allege that the Government’s Board of Investment (BOI), which manages the EPZ’s, including setting wages and working conditions in the EPZ’s, has discouraged union activity. Work councils in the EPZ’s are chaired by the BOI and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZ’s offer higher wages and better working conditions generally than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ’s, where wages and work conditions are set by the BOI.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by provisions of the 1844 Abolition of Slavery Act; however, there were reports of its use. There are reports of women being trafficked to the country for the purpose of prostitution (see Section 6.f.). The act does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. In the past there were credible reports that some rural children were employed in debt bondage as domestic servants in urban households; some of these children reportedly had been abused (see Section 5); however, no cases were

reported during the year. Some children were trafficked and forced into prostitution (see Sections 5 and 6.f.).

There are credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during the year, and they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when notified of the abuse. Some members of the STF in the Batticaloa area forced villagers to work without compensation, clearing jungle areas and in other manual labor in and near STF camps during 1999; the villagers were threatened directly or indirectly with physical abuse if they did not perform the work.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—In 1998 Parliament passed the National Child Protection Authority Act (NCPA) to combat the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that clearly established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law to permits the employment of younger children by their parents or guardians in limited agricultural work. In January Parliament repealed a regulation that permitted domestic employment for children as young as age 12. About 85 percent of children under the age of 16 attend school, and the law permits the employment of such persons for not more than 1 hour on any day before school. The 1997 Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. The ultimate effect that this act may have on the child labor problem remains unclear.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in non-plantation agriculture. A 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Despite legislation child labor still exists. A child activity survey carried out in 1998-1999 by the Department of Census and Statistics found almost 11,000 children working full time and another 15,000 engaged in both economic activity and house-keeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

A recent study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often are deprived of an education. The law also permits employment in any school or institution for training purposes.

Regular employment of children also occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor led to nearly 500 complaints from January through August. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during the year. Under legislation dating from 1956, the maximum penalty for employing minors is about \$12 (1,000 rupees), with a maximum jail term of 6 months.

Additional thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are subjected to physical, sexual, and emotional abuse.

Children work as prostitutes as well; internal trafficking in male children is a problem (see Sections 5 and 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics. Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage, although there were no reports of this during the year (see Sections 5 and 6.c.).

The LTTE continued to use high-school-age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (see Section 5). In May

1999, the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including schoolchildren and the aged. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established in order to gain tighter control over the population and to provide a base for recruiting fighters.

*e. Acceptable Conditions of Work.*—The Department of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics division of the Department of Labor, the Government in September mandated a \$5 (400 rupees) increase in the minimum wage for private sector workers, and government workers received an increase equal to 10 percent of their salary, with a minimum raise of \$12.50 (1000 rupees) per month. Minimum wage rates average approximately \$33.52 (2,682 rupees) per month in industry, commerce, and the service sector; and approximately \$1.42 (114 rupees) per day in agriculture. The minimum wage in the garment industry is \$39 (3,225 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner. Most permanent full-time workers are covered by laws that prohibit them from working regularly more than 45 hours per week (a 5-1/2 day work-week). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year.

Maternity leave is available for permanent and casual female workers. Employers must contribute 12 percent of a worker's wage to an employee's provident fund and 3 percent to an employee's trust fund. Employers who fail to comply may be fined, although the effectiveness of government enforcement of this provision is unknown.

Several laws protect the safety and health of industrial workers. However, the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves. Health and safety regulations do not meet international standards.

*f. Trafficking in Persons.*—Penal Code amendments enacted in 1995 made trafficking in persons illegal; however, there are credible reports that trafficking in women and children occurs. Penalties for trafficking in women include imprisonment for between 2 and 20 years, plus a fine. For trafficking in children, the law allows imprisonment of between 5 and 20 years, plus a fine. According to police reports, there is a floating pool of approximately 200 foreign female sex workers in the country who were trafficked from the former Soviet Union, Thailand, and China.

Internal trafficking in male children also is a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimates that there are at least 5,000 male children between the ages of 8 and 15 who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or by organized crime (see Sections 5 and 6.c.). PEACE also reports an additional 7,000 young men aged 15 to 18 who are self-employed prostitutes. The country reportedly has a growing reputation as a destination for foreign pedophiles; however, officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles. As of September, a case against one foreign pedophile was pending in magistrate court. In 1999 a foreign pedophile was sentenced to 14 years in prison (the defendant has filed an appeal); another convicted pedophile was deported.